

CHAPTER 16

Land Use Code

Article IV

Subdivision Regulations

Division 1 General

- Sec. 16-4-10 General provisions
- Sec. 16-4-20 Intent
- Sec. 16-4-30 Administration

Division 2 Subdivision and Plats

- Sec. 16-4-110 Major subdivision
- Sec. 16-4-120 Rural subdivision
- Sec. 16-4-130 Minor subdivision
- Sec. 16-4-140 Plot plans
- Sec. 16-4-150 Site plan
- Sec. 16-4-160 Sketch plan
- Sec. 16-4-170 Preliminary plat
- Sec. 16-4-180 Final plat
- Sec. 16-4-190 Concurrent sketch plan/preliminary plat

Division 3 Rural Subdivisions

- Sec. 16-4-210 Purpose
- Sec. 16-4-220 Areas where rural subdivisions are permitted
- Sec. 16-4-230 Minimum property size
- Sec. 16-4-240 Building lot location
- Sec. 16-4-250 Density and lot size
- Sec. 16-4-260 Septic system requirements
- Sec. 16-4-270 Conservation density bonus
- Sec. 16-4-280 Incentives and benefits
- Sec. 16-4-290 Open space ownership standards
- Sec. 16-4-300 Sketch plan/preliminary plat application process
- Sec. 16-4-310 Sketch plan/preliminary plat review criteria

Division 4 Additional Plats and Plans

- Sec. 16-4-410 Minor subdivision plat
- Sec. 16-4-420 Plot plan
- Sec. 16-4-430 Site plan

Division 5 Miscellaneous Regulations

- Sec. 16-4-510 Amendments to recorded plats
- Sec. 16-4-520 Resubdivision
- Sec. 16-4-530 Exceptions to design principles and development standards
- Sec. 16-4-540 Vacation of right-of-way or easement
- Sec. 16-4-550 Subdivision improvements and development agreements

ARTICLE IV**Subdivision Regulations***Division 1**General***Sec. 16-4-10. General provisions.**

(a) The provisions of this Article, in conjunction with Article III, Zoning, of this Chapter, shall apply to any and all development of land within the municipal boundaries of the Town of Milliken, unless expressly and specifically exempted or provided otherwise in these Regulations. No development shall be undertaken without prior and proper approval or authorization pursuant to the terms of these Regulations in conjunction with the Zoning Code. All development shall comply with the applicable terms, conditions, requirements, standards and procedures established in these Regulations in conjunction with the Zoning Code.

(b) Except as herein provided, no building, structure or land shall be used and no building or structure or part thereof shall be erected, constructed, reconstructed, altered, repaired, moved or structurally altered except in conformance with the regulations herein specified for the district in which it is located, nor shall a yard, lot or open space be reduced in dimensions or area to an amount less than the minimum requirements set forth herein.

(c) These Regulations, in conjunction with the Zoning Code, establish procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development applications will be reviewed for compliance with the Comprehensive Plan and with adopted regulations, policies and other guidelines. (Ord. 480 §4.1, 2003)

Sec. 16-4-20. Intent.

This Article is designed and enacted for the purpose of promoting the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the Town by:

- (1) Encouraging new subdivision developments to relate to Town's historic development pattern.
- (2) Promoting compact, well-defined, sustainable neighborhoods that enhance the Town's character.
- (3) Creating livable neighborhoods that foster a sense of community and reduce dependency on private vehicles.
- (4) Encouraging the proper arrangement of streets in relation to existing or planned streets and ensuring streets facilitate safe, efficient and pleasant walking, biking and driving.
- (5) Providing a variety of lot sizes and housing types in every neighborhood.

- (6) Protecting sensitive natural and historic areas and Milliken's environmental quality.
- (7) Providing for adequate and convenient open spaces for traffic, utilities, access of fire apparatus, recreation, light and air and for the avoidance of congestion of population.
- (8) Providing open spaces for adequate storm water management.
- (9) Providing adequate spaces for educational facilities.
- (10) Providing protection from geologic hazards and flood-prone areas.
- (11) Ensuring compliance with the Zoning Code, the Comprehensive Plan and the community design principles and development standards contained in Article II of this Chapter.
- (12) Regulating such other matters as the Board of Trustees may deem necessary in order to protect the best interest of the public. (Ord. 480 §4.2, 2003)

Sec. 16-4-30. Administration.

All plans of streets or highways for public use, and all plans, plats, plots and replats of land laid out in subdivision or building lots, and the streets, highways, alleys or other portions of the same intended to be dedicated to a public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto, shall be submitted to the Board of Trustees for review and subsequent approval, conditional approval or disapproval. No plat shall be recorded in any public office unless the same shall bear thereon, by endorsement or otherwise, the approval of the Board of Trustees. Acceptance of proposed dedications by the public shall be given by separate action of the Board of Trustees. (Ord. 480 §4.3, 2003)

*Division 2
Subdivisions and Plats*

Sec. 16-4-110. Major subdivisions.

(a) Definition. A major subdivision is permitted when any one (1) or more of the following conditions exist:

- (1) Dedication of public right-of-way or other public tracts; or
- (2) The resultant subdivision will produce more than five (5) lots.

(b) Major Subdivision Process. The major subdivision process is as follows (for more details refer to Sections 16-4-160 through 16-4-180 of this Article):

- (1) Sketch Plan.
 - a. Preapplication conference.
 - b. Technical Advisory Committee meeting.

- c. Planning Commission visioning meeting.
 - d. Application submittal.
 - e. Staff certifies application is complete.
 - f. Planning Commission review.
- (2) Preliminary Plat.
- a. Preapplication conference.
 - b. Application submittal.
 - c. Staff certifies that application is complete.
 - d. Staff refers application to parties of interest.
 - e. Staff reviews application and prepares comments.
 - f. Applicant addresses Staff comments.
 - g. Final Staff review.
 - h. Town schedules public hearing and completes public notification process.
 - i. Planning Commission public hearing and recommendation.
 - j. Applicant addresses to conditions of approval.
 - k. Final Staff review.
 - l. Board of Trustees action.
- (3) Final Plat.
- a. Technical Advisory Committee meeting.
 - b. Application submittal.
 - c. Staff certifies application is complete.
 - d. Staff refers application to parties of interest.
 - e. Staff reviews application and prepares comments.
 - f. Applicant addresses Staff comments.

- g. Final Staff review and report.
- h. Planning Commission public meeting and recommendation.
- i. Applicant addresses Planning Commission conditions.
- j. Final Staff review.
- k. Staff notifies parties of interest.
- l. Town schedules public hearing and completes public notification process.
- m. Board of Trustees public hearing and action.
- n. Record final plat.
- o. Post approval actions.

(c) Concurrent Sketch Plan/Preliminary Plat Process. Applicants for major subdivisions may also choose to submit a sketch plan and preliminary plat concurrently (for more details refer to Section 16-4-190 of this Article):

- (1) Sketch Plan/Preliminary Plat.
 - a. Preapplication conference.
 - b. Technical Advisory Committee meeting.
 - c. Planning Commission visioning meeting.
 - d. Application submittal.
 - e. Staff certifies application is complete.
 - f. Staff refers application to parties of interest.
 - g. Staff reviews application and prepares comments.
 - h. Applicant addresses Staff comments.
 - i. Final Staff review and report to Planning Commission.
 - j. Town schedules public hearing and completes public notification process.
 - k. Planning Commission public hearing and recommendation.
 - l. Applicant responds to conditions of approval.

- m. Final Staff review.
- n. Board of Trustees action.
- (2) Final Plat.
 - a. Technical Advisory Committee meeting.
 - b. Application submittal.
 - c. Staff certifies application is complete.
 - d. Staff refers application to parties of interest.
 - e. Staff reviews application and prepares comments.
 - f. Applicant addresses Staff comments.
 - g. Final Staff review and report.
 - h. Planning Commission public meeting and recommendation.
 - i. Applicant addresses Planning Commission conditions.
 - j. Final Staff review.
 - k. Staff notifies parties of interest.
 - l. Town schedules public hearing and completes public notification process.
 - m. Board of Trustees public hearing and action.
 - n. Record final plat.
 - o. Post approval actions.

MAJOR SUBDIVISION PROCESS FLOWCHART

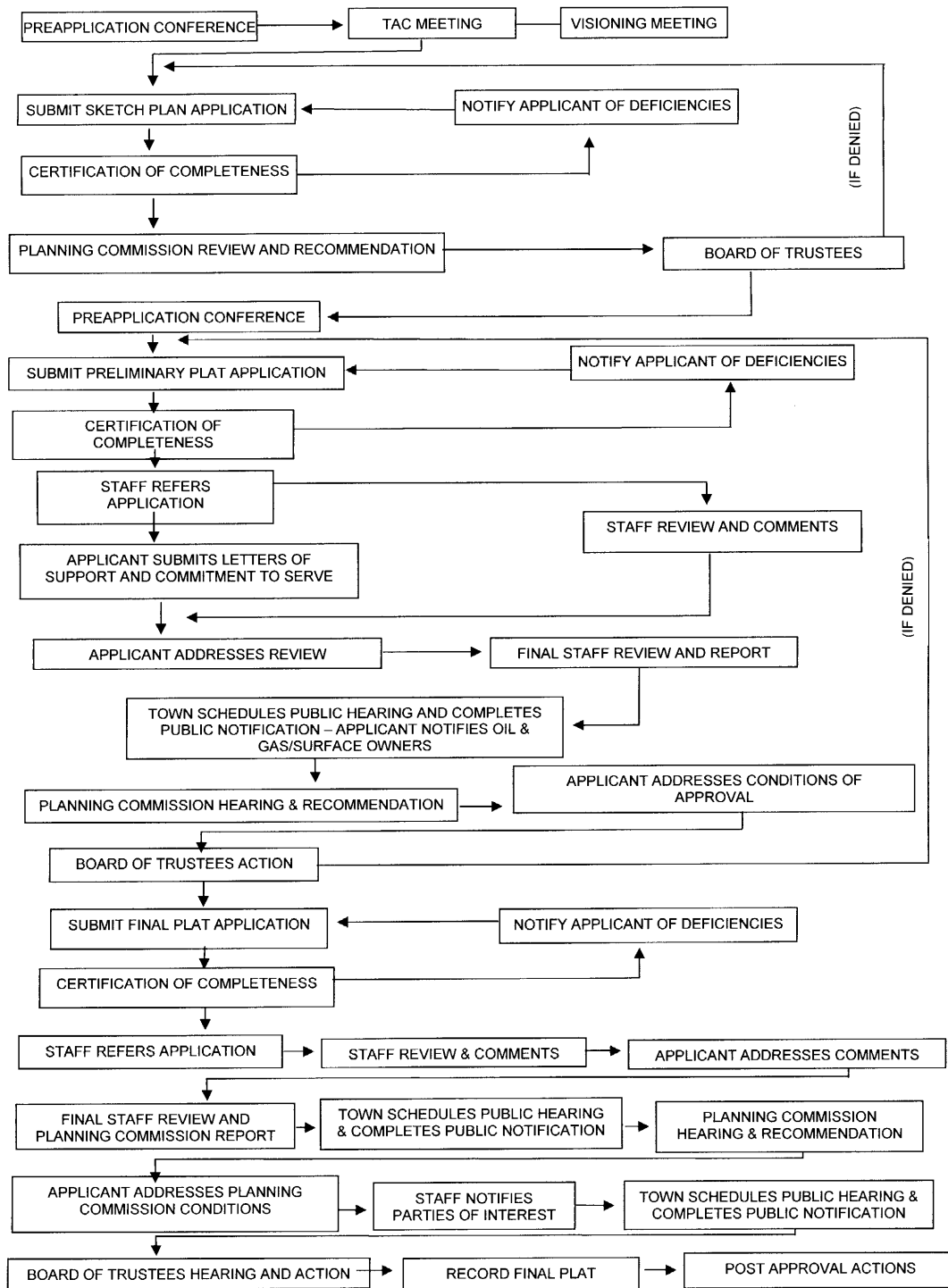


Figure 4-1

(Ord. 480 §4.4, 2003)

Sec. 16-4-120. Rural subdivision.

(a) Definition. A rural subdivision is permitted when the property to be subdivided is located in the E-1 District.

(b) Process. The rural subdivision process is as follows (for more details refer to Division 3 of this Article):

- (1) Sketch Plan/Preliminary Plat.
 - a. Preapplication conference.
 - b. Site visit with Town representative.
 - c. Technical Advisory Committee meeting.
 - d. Planning Commission visioning meeting.
 - e. Application submittal.
 - f. Staff certifies application is complete.
 - g. Staff refers application to parties of interest.
 - h. Staff reviews application and prepares comments.
 - i. Applicant addresses Staff comments.
 - j. Final Staff review.
 - k. Town schedules public hearing and completes public notification process.
 - l. Planning Commission public hearing and recommendation.
 - m. Applicant responds to conditions of approval.
 - n. Final Staff review.
 - o. Board of Trustees action.
- (2) Final Plat.
 - a. Technical Advisory Committee meeting.
 - b. Application submittal.
 - c. Staff certifies application is complete.

- d. Staff refers application to parties of interest.
- e. Staff reviews application and prepares comments.
- f. Applicant addresses Staff comments.
- g. Final Staff review and report.
- h. Planning Commission public meeting and recommendation.
- i. Applicant addresses Planning Commission conditions.
- j. Staff notifies parties of interest.
- k. Town schedules public hearing and completes public notification process.
- l. Board of Trustees public hearing and action.
- m. Record final plat.
- n. Post approval actions. (Ord. 480 §4.4, 2003)

Sec. 16-4-130. Minor subdivision.

(a) Definition. A minor subdivision is permitted under the following circumstances:

(1) Option 1:

- a. The property has previously been platted within the Town;
- b. There is no public right-of-way dedication;
- c. The resulting subdivision will produce five (5) or fewer lots; and
- d. There will be no exceptions to the Subdivision Design Standards.

(2) Option 2:

- a. The property is to be subdivided for conveyance purposes; and
- b. There is no public right-of-way dedication.

(b) Process. The minor subdivision process is as follows (for more details refer to Section 16-4-410 of this Article):

- (1) Preapplication conference.
- (2) Technical Advisory Committee meeting.

- (3) Application submittal.
- (4) Staff certifies application is complete.
- (5) Staff refers application to parties of interest.
- (6) Staff reviews application and prepares comments.
- (7) Applicant responds to Staff comments.
- (8) Town schedules Planning Commission public meeting and completes public notification process.
- (9) Planning Commission public meeting.
- (10) Applicant addresses Planning Commission conditions.
- (11) Final Staff review.
- (12) Board of Trustees action.
- (13) Record minor subdivision plat. (Ord. 480 §4.4, 2003)

Sec. 16-4-140. Plot plan.

- (a) Definition. A plot plan is required to obtain a building permit on a single-family or duplex lot.
- (b) Process. The plot plan process is as follows (for more details refer to Section 16-4-420 of this Article):

- (1) Application submittal.
- (2) Staff certifies application is complete.
- (3) Staff reviews application and prepares comments.
- (4) Applicant responds to Staff comments.
- (5) Town issues building permit. (Ord. 480 §4.4, 2003)

Sec. 16-4-150. Site plan.

- (a) Definition. A site plan is required to apply for a building permit for all multi-family, commercial and industrial developments.

- (b) Site Plan Process. The site plan process is as follows (for more details refer to Section 16-4-430 of this Article):

- (1) Preapplication conference.

- (2) Technical Advisory Committee meeting.
- (3) Application submittal.
- (4) Staff certifies application is complete.
- (5) Staff refers application to parties of interest.
- (6) Staff reviews application and prepares comments.
- (7) Applicant responds to Staff comments.
- (8) Site plan agreement.
- (9) Town schedules Planning Commission public meeting and completes public notification process.
- (10) Planning Commission public meeting.
- (11) Applicant addresses Planning Commission conditions.
- (12) Final Staff review.
- (13) Board of Trustees action.
- (14) Record site plan.
- (15) Post approval action. (Ord. 480 §4.4, 2003)

Sec. 16-4-160. Sketch plan.

(a) **Sketch Plan Purpose.** The sketch plan process is collaborative from the onset. The purpose of the sketch plan is two-fold. First, it provides the Town the opportunity to describe the community's vision to the applicant. Second, it gives the applicant an opportunity to discuss his or her development plans, explain how the plans will further the community's vision and obtain input and direction from the Planning Commission and Board of Trustees early in the process. The ultimate goal of this process is to help the applicant develop a plan that fosters the community's vision.

(b) **Sketch Plan Application Process.**

(1) **Step 1: Preapplication Conference.** A preapplication conference with a representative from the Town is required before the applicant may submit a sketch plan application. The purpose of the meeting is to allow the applicant to discuss his or her ideas for developing the property and to give the Town the opportunity to communicate the Town's vision. Topics to be discussed will include:

- a. The applicant's goals for the property.
- b. Town vision and expectations.

- c. Community Design Principles and Development Standards.
- d. The character and quality of development the Town is seeking.
- e. Town regulations and standards.
- f. The application and review process.
- g. Submittal requirements.
- h. Schedule.

(2) Step 2: Technical Advisory Committee Meeting. Staff shall schedule a meeting with appropriate referral agencies (i.e., oil and gas companies, water providers, RE-5J School District, Weld County Department of Public Health and Environment, Weld County Public Works Department, Milliken Post Office, Milliken Police Department, Milliken Fire District, Thompson Rivers Parks and Recreation District, etc.), appropriate Town Staff (i.e., Town Clerk, Town Planner, Town Engineer, Town Administrator, etc.) and the applicant to discuss the project.

(3) Step 3: Planning Commission Visioning Meeting. This is intended to be a collaborative meeting between the Planning Commission and the developer to ensure that all new development is consistent with the community's goals and that issues are identified early in the development process. Topics that may be addressed in this meeting include:

- a. How the proposed project is consistent with the community design principles and development standards in Article II of this Chapter, the Comprehensive Plan and the subdivision regulations in this Article).
- b. The developer's goals and vision for the project.
- c. How the proposed development incorporates variety in the type, design and siting of buildings.
- d. How the proposed subdivision will be connected to and integrated with surrounding natural and developed areas.
- e. How the project will impact neighboring properties (i.e., water drainage, traffic circulation, environmental impacts, view corridors).
- f. How the design is cost-effective and environmentally responsive to site features and constraints and how potential impacts to natural systems will be mitigated.
- g. How the design capitalizes on natural and cultural assets on and around the site to build a positive and distinctive identity.
- h. How the proposal promotes the efficient use of land and public streets, utilities and governmental services.

i. Applicants should bring the following items to the meeting:

1. Context/vicinity map which shows the proposed development in relation to the surrounding area (see this Section for details).

2. Base map which shows the site features (such as topography, ditches, drainageways, wildlife habitat, trees and view corridors).

3. Images (such as photographs, sketches and/or plans) which illustrate the project intention. For example, an applicant might bring pictures of:

a) Important architectural elements (such as a porch, vertical windows, mother-in-law units);

b) Proposed architectural styles;

c) Ideas for landscaping features such as a xeriscape garden entryway;

d) Streetscape components which contribute to the project's character;

e) A special tree on the property;

f) Examples of signs that promote the development's identity; and

g) Anything else that illustrates what the developer is trying to create.

(4) Step 4: Sketch Plan Application Submittal. The applicant shall submit the complete sketch plan application package to the Town Clerk and shall request that the application be reviewed by the Planning Commission and Board of Trustees. The application must be submitted a minimum of three (3) weeks prior to the Planning Commission meeting at which the application will be reviewed. The sketch plan application package shall include the following items:

a. Land Use Application Form.

b. Subdivisions Technical Criteria Form (see Workbook).

c. Application Fee and Fee Agreement. A nonrefundable fee is collected to cover the cost of review by the Town Attorney, Town Engineer, Town Planner and any other expert whom the Town may wish to employ; and notice and publication expenses. Actual costs may exceed the deposit; in this case, the applicant is liable for costs in excess of the application fee according to the fee agreement. The Town shall provide the applicant with a copy of the most current fee schedule and fee agreement form.

d. Title Commitment. The title commitment must be current and the date must be no more than thirty (30) days from the date of sketch plan application submittal.

e. Mineral Rights Affidavit. The mineral rights affidavit must be current and must be dated no more than thirty (30) days before the date of the sketch plan application submittal.

f. Context/Vicinity Map. The context/vicinity map shall show the proposed development in relation to the surrounding area (one-half-mile radius around the property). The map shall be twenty-four (24) inches high by thirty-six (36) inches wide and provide the following information:

1. Title of project.
2. North arrow, scale (not greater than 1" = 1000') and date of preparation.
3. Boundary of proposed project.
4. Existing (for developed land) or proposed (for vacant/agricultural land) land uses for the properties shown on the map (i.e.. residential, commercial, industrial, park, etc.); label land use and whether it is existing or proposed.
5. Major streets (show and label street names).
6. Existing public water and sewer lines and proposed connections.
7. Regional open space/trail networks per the Johnstown/Milliken Parks, Trails, Recreation and Open Space Master Plan.
8. Major ditches, rivers and bodies of water. Adjacent properties identified by subdivision name or zoning district.

g. Sketch Plan. The sketch plan shall be twenty-four (24) inches high by thirty-six (36) inches wide and may be a free-hand drawing in a legible medium that clearly shows:

1. Title of project.
2. North arrow, scale (not greater than 1" = 200') and date of preparation. (north shall be to the top of the page).
3. Vicinity map.
4. Legal description.
5. Acreage of property.
6. USGS topographic contours.
7. Location and approximate acreage of proposed land uses.
8. Existing easements and rights-of-way on or adjacent to the property.

9. Existing streets on or adjacent to the property (show and label street name).
 10. Note indicating how the public/semi-public dedication will be met (per Article II, Division 4 of this Chapter).
 11. Table providing the following information for each proposed land use area: total acreage; proposed density or floor area ratio; proposed number of dwelling units; and approximate size of proposed residential lots.
 12. Proposed collector and arterial streets.
 13. General locations of existing utilities on or adjacent to the property.
 14. Graphic and/or verbal explanation of how the property will be served with utilities.
 15. Location of any proposed sewer lift stations.
 16. Show how the development will tie into the regional trails network and how it complies with the Johnstown/Milliken Parks, Trails, Recreation and Open Space Master Plan.
 17. Floodplain boundary with a note regarding the source of information (if a floodplain does not exist on the property, please state this on the plan).
 18. Geologic hazard areas.
 19. Existing and proposed zoning on and around the property.
 20. Land use table. The table shall include land uses, approximate acreage of each land use and percentage of each land use.
- h. Conceptual Landscape Plan. Refer to Section 16-2-485 of this Code for the conceptual landscape plan requirements.
 - i. Conceptual Open Space and Ecological Characterization Plan. Refer to Article II, Division 5 of this Chapter) for the conceptual open space plan and ecological characterization requirements.
 - j. General Development Information. Provide a written description of the existing conditions on the site and the proposed development. Include the following items in the description:
 1. Design rationale. Discuss how the development is connected to/integrated with surrounding area, how it responds to site features/constraints and how it is consistent with the community design principles and development standards in Article II of this Chapter. If it is not consistent with Article II, explain how the intent of the criteria in the Article is met.

2. Proposed number of residential lots or dwelling units, typical lot width and depth, price ranges of lots and dwelling units (not needed if information is shown on the sketch plan).

3. General description of plan for drainage and storm water management. (Refer to how the proposal complies with any adopted storm drainage design criteria that may be applicable).

4. Water supply information including: the number of water taps needed; the amount of raw water that will be provided to the Town (consistent with Central Weld County Water District policy, if applicable) and the source of the water (if part of annexation, source of raw water).

5. Statement indicating whether or not any commercial mineral deposits are located on the site.

6. Description of any floodplain hazards on the site (only if additional information is needed than what is shown on the sketch plan map).

7. Discuss how the proposed development complies with the Comprehensive Plan and the Johnstown/Milliken Parks, Trails, Recreation and Open Space Master Plan.

k. Soils Report and Map. The report and map shall be based on USDA Soils Conservation Service information and discuss the existing conditions and any potential constraints/hazards. The report shall also address groundwater issues.

(5) Step 5: Application Certification of Completion. Within a reasonable period of time, Staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the Sketch Plan Technical Criteria form) to the Town Clerk. The original application and all documents requiring a signature shall be signed in blue ink.

(6) Step 6: Planning Commission Review. At the next available meeting, the Planning Commission shall review the sketch plan application and provide input regarding how well the project addresses the sketch plan review criteria.

(c) Sketch Plan Review Criteria. The Town shall use the following criteria to evaluate the applicant's sketch plan application:

(1) The land use mix within the project conforms to the zoning district map and furthers the goals and policies of the Comprehensive Plan, including:

- a. The proposed development promotes Milliken's small-town, rural character;
- b. Proposed residential development adds diversity to Milliken's housing supply;

- c. Proposed commercial development will benefit Milliken's economic base;
- d. Parks and open space are incorporated into the site design;
- e. The proposed project protects Milliken's environmental quality; and
- f. The development enhances cultural, historical, educational and/or human service opportunities.

(2) The sketch plan represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code, the Johnstown/Milliken Parks, Trails, Recreation and Open Space Master Plan and the Comprehensive Plan.

(3) The utility and transportation design is adequate, given existing and planned capacities of those systems.

(4) Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.

(5) There is a need or desirability within the community for the applicant's development and the development will help achieve a balance of land use and/or housing types within the Town, according to the Town's goals. (Ord. 480 §4.5, 2003)

Sec. 16-4-170. Preliminary plat.

(a) Purpose. The purpose of the preliminary plat is to provide the Town with an overall master plan for the proposed development.

(b) Preliminary Plat Application Process.

(1) Step 1: Preapplication Conference. A preapplication conference with a representative from the Town is required before the applicant may submit a preliminary plat application. Topics to be discussed will include:

- a. Milliken regulations and standards;
- b. The application and review process;
- c. Submittal requirements; and
- d. Schedule.

(2) Step 2: Preliminary Plat Application Submittal. Upon approval or conditional approval of the sketch plan, the applicant shall submit one (1) copy of the complete preliminary plat application to the Town Clerk. The application must be submitted a minimum of sixty (60) days prior to the Planning Commission meeting at which the application will be reviewed. The application must be submitted not more than twelve (12) months after approval of the sketch plan unless otherwise approved by the Board of Trustees. The preliminary plat application package shall include the following items:

- a. Land Use Application Form.
- b. Subdivisions - Technical Criteria Form (from Workbook).
- c. Legal Notice Form. The applicant shall prepare the legal notice form and return it to the Town with an electronic copy of the legal description in MSWord™ Format.
- d. Application Fee and Fee Agreement. A nonrefundable fee is collected to cover the cost of review by the Town Attorney, Town Engineer, Town Planner and any other expert whom the Town may wish to employ; and notice and publication expenses. Actual costs may exceed the deposit; in this case, the applicant is liable for costs in excess of the deposit. The Town shall provide the applicant with a copy of the most current fee schedule and fee agreement form.
- e. Title Commitment. The title commitment must be current and dated no more than thirty (30) days from the date of preliminary plat application submittal.
- f. Surrounding and Interested Property Ownership Report. Provide the Town Clerk with two (2) copies of a current (not more than thirty [30] days old) list of the names and addresses of the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.
- g. Mineral Rights Affidavit. The mineral rights affidavit must be current and must be dated no more than thirty (30) days before the date of the sketch plan application submittal.
- h. Preliminary Plat. The preliminary plat shall be twenty-four (24) inches high by thirty-six (36) inches wide and provide the following information:
 1. Title of project.
 2. North arrow, scale (not greater than 1" = 100') and date of preparation.
 3. Vicinity map.
 4. Names and addresses of owners, applicant, designers, engineers and surveyors.
 5. Legal description.
 6. Total acreage of property.
 7. Existing contours at two-foot intervals (contours shall be based on USGS datum).

8. Name and location of abutting subdivisions or owners of abutting property (if land is not platted).
9. Lots, blocks and street layout with approximate dimensions and square footage for each lot.
10. Consecutive numbering of all lots and blocks.
11. Existing and proposed rights-of-way and easements on and adjacent to the property.
12. Existing and proposed street names for all streets on and adjacent to the property.
13. Existing and proposed zoning on and adjacent to property.
14. Location and size of existing and proposed sewer lines, water lines and fire hydrants. (Note: The applicant must consult with the appropriate utility service providers regarding the design of all utilities through the subdivision.)
15. Existing and proposed curb cuts on and adjacent to subject property.
16. Location by field survey or aerial photography of existing and proposed water courses and bodies of water such as irrigation ditches and lakes. Water courses shall include direction of flow.
17. Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, please state this on the plan).
18. General location of existing surface improvements such as buildings, fences or other structures which will remain on the property as part of the subdivision.
19. Location and acreage of sites, if any, to be dedicated for parks, playgrounds, schools or other public uses.
20. Location, function, ownership and manner of maintenance of any private open space.
21. Land use table. The table shall include: land uses, approximate acreage of each land use and percentage of each land use (including how the public/semi-public requirement will be met (per Article II, Division 4 of this Chapter).
22. Total number of lots.
23. Number of each type of dwelling unit proposed.

i. General Development Information. Provide a written description of the existing conditions on the site and the proposed development. Include the following items:

1. Explanation of how the preliminary plat is consistent with the sketch plan, and if there are any differences, what they are and how the plan is still consistent with the community's vision.
2. Explanation of how the items of concern expressed by the Planning Commission and Board of Trustees during the sketch plan review have been addressed.
3. Explanation of how the plan is consistent with the Land Use Code and Comprehensive Plan.

j. Preliminary Grading and Drainage Plan and Report. This plan and report must be certified by a Colorado registered professional engineer, including storm drainage concepts such as locations for on-site detention or downstream structural improvements and soil erosion and sedimentation control plans and specifications. It must also discuss the impacts on and to any existing floodways and/or floodplains on and adjacent to the site as well as any FEMA applications required.

k. Master Utility Plan. This plan shall be prepared by a registered professional engineer. It is necessary that the engineer consult with the appropriate utility service providers regarding the design of all utilities through the subdivision.

l. Preliminary Landscape Plan. Refer to Section 16-2-485 of this Code for the preliminary landscape plan requirements.

m. Preliminary Open Space and Ecological Characterization Plan. Refer to Article II, Division 5 of this Chapter for the preliminary open space plan and ecological characterization requirements.

n. Traffic Study. This study must be prepared by a professional traffic engineer.

o. Draft of Proposed Covenants and Architectural Design Guidelines.

p. Mineral, Oil and Gas Rights Documentation. Evidence that the applicant has contacted all mineral rights owners and all lessees of mineral, oil and gas rights associated with the site by certified mail and is working towards resolution. Included in the evidence must be the name of the current contact person, his or her phone number and mailing address and a description of the issues.

q. Soils Report and Map. A copy of the soils report and map provided at the time of sketch plan must be provided.

r. Colorado Historical Society Records Search. At the discretion of the Staff or Board of Trustees, an applicant may be required to provide the Town with a Colorado Historical Society records listing historically or archaeologically significant findings on the property being subdivided. If a listing shows a significant finding, a site-specific historic survey is required. The survey shall provide the following information:

1. Site identification:
 - a) State site number;
 - b) Site address;
 - c) Site location/access;
 - d) Type and description of finding (what is historic); and
 - e) Owner's name and address.
2. Eligibility assessment for historic designation.
3. Statement of significance.
4. Management and administrative data:
 - a) References;
 - b) Photographs of the site;
 - c) Maps of the site;
 - d) Name, address, phone number and qualifications of person completing survey; and
 - e) Date of completion of survey.

If, in coordination with the applicant, the Board of Trustees decides to protect an historic resource, a protection plan must be devised.

s. Public Hearing Notification Envelopes. Provide the Town Clerk with two (2) sets of stamped, addressed envelopes. The envelopes shall have the Town's address as the mailing address and return address and the envelopes shall be addressed to the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property, and the appropriate referral agencies (as discussed in the preapplication conference).

(3) Step 3: Application Certification of Completion. Within a reasonable period of time, Staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the Preliminary Plat Technical Criteria form) to the Town Clerk. The original application and all documents requiring a signature shall be signed in blue ink.

(4) Step 4: Refer Application to Parties of Interest. Not less than forty-five (45) days before the date scheduled for the initial public hearing, the applicant shall send information about the application by regular mail to: adjacent municipalities, Weld County, surrounding property owners within three hundred (300) feet, mineral interest owners of record, mineral and oil and gas lessees for the property, appropriate referral agencies and other parties of interest. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property and the applicant's name.

(5) Step 5: Staff Reviews Application and Prepares Comments. Staff will complete a review of the preliminary plat based on the preliminary plat review criteria and referral comments received. Staff will then prepare a report identifying issues of concern for the applicant to address and forward this report to the applicant.

(6) Step 6: Applicant Addresses Staff Comments. The applicant shall submit the following to the Town Clerk:

- a. Letter explaining how all of the comments have been addressed; and
- b. Revised maps and other documents.

(7) Step 7: Final Staff Review. Staff will complete a final review of the resubmitted materials and then prepare a report to the Planning Commission explaining how the application is or is not consistent with the preliminary plat review criteria.

(8) Step 8: Schedule Preliminary Plat Public Hearing and Complete Public Notification Process. The Planning Commission shall schedule a public hearing for the purpose of taking action on the preliminary plat. The Town Clerk shall publish notice in a newspaper of general circulation. The hearing may be held no less than thirty (30) days from the date of advertising.

(9) Step 9: Planning Commission Public Hearing and Recommendation. The Planning Commission shall hold a public hearing to review the application based on the preliminary plat review criteria. The Planning Commission shall then make a recommendation to the Board of Trustees to approve, conditionally approve or deny the application.

(10) Step 10: Applicant Addresses Planning Commission Conditions. The applicant shall revise the preliminary plat based on the Planning Commission's conditions of approval and submit it to the Town.

(11) Step 11: Final Staff Review. Staff will complete a final review of the resubmitted materials and then prepare a report to the Board of Trustees explaining how the application is or is not consistent with the preliminary plat review criteria.

(12) Step 12: Board of Trustees Action. The preliminary plat shall be presented to the Board of Trustees for its review and action (not less than three [3] weeks after the Planning Commission has reviewed the plan). The Board of Trustees may approve, conditionally approve or deny the preliminary plat based on the preliminary plat review criteria. Approval and conditional approval of a preliminary plat shall be effective for one (1) year unless otherwise approved by the

Board of Trustees. If the plat is denied, the request or one that is substantially similar may not be heard by the Planning Commission for a period of one (1) year from the date of denial unless otherwise approved by the Planning Commission. If a final plat is not submitted within said time limit or an extension has not been granted, a preliminary plat must again be submitted before action may be taken on a final plat.

(c) Preliminary Plat Review Criteria. The Town shall use the following criteria to evaluate the applicant's request:

(1) The preliminary plat represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code and the Comprehensive Plan.

(2) The application is consistent with the approved sketch plan and incorporates the Planning Commission's recommendations and conditions of approval.

(3) The land use mix within the project conforms to the zoning district map and furthers the goals and policies of both the Comprehensive Plan and the Johnstown/Milliken Parks, Trails, Recreation and Open Space Master Plan, including:

- a. The proposed development promotes Milliken's small-town character;
- b. Proposed residential development adds diversity to Milliken's housing supply;
- c. Proposed commercial development will benefit Milliken's economic base;
- d. Parks and open space are incorporated into the site design;
- e. The proposed project protects Milliken's environmental quality; and
- f. The development enhances cultural, historical, educational and/or human service opportunities.

(4) The utility and transportation design is adequate, given existing and planned capacities of those systems.

(5) Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.

(6) There is a need or desirability within the community for the applicant's development and the development will help achieve a balance of land use and/or housing types within the Town, according to the Town's goals. (Ord. 480 §4.6, 2003)

Sec. 16-4-180. Final plat.

(a) Final Plat Purpose. The purpose of the final plat is to complete the subdivision of land consistent with the technical standards.

(b) Final Plat Application Process.

(1) Step 1: Technical Advisory Committee Meeting. Staff shall schedule a meeting with appropriate referral agencies (i.e., oil and gas companies, water providers, RE-5J School District, Weld County Department of Public Health and Environment, Weld County Public Works Department, Milliken Post Office, Milliken Police Department, Milliken Fire District, Thompson Rivers Parks and Recreation District, etc.), appropriate Town Staff (i.e., Town Clerk, Town Planner, Town Engineer, Town Administrator, etc.) and the applicant to discuss the project. This step may be waived by staff if the plat is submitted within sixty (60) days of preliminary plat approval.

(2) Step 2: Final Plat Application Submittal. The final plat application shall conform to the preliminary plat as approved at the public hearing and shall address all conditions of approval required by the Board of Trustees. The final plat application for the first phase of development must be submitted not more than twelve (12) months after approval of the preliminary plat unless otherwise approved by the Board of Trustees. In addition, the application must be submitted a minimum of sixty (60) days prior to the Board of Trustees meeting at which the application will be reviewed. The applicant shall submit one (1) copy of the complete final plat application package to the Town Clerk and shall request that the application be reviewed by the Planning Commission and Board of Trustees. The final plat application shall include:

- a. Land Use Application Form.
- b. Subdivisions – Technical Criteria Form (from Workbook).
- c. Legal Notice Form. The applicant shall prepare the legal notice form and return it to the Town with an electronic copy of the legal description in MSWord™ Format.
- d. Application Fee and Fee Agreement. A nonrefundable fee is collected to cover the cost of review by the Town Attorney, Town Engineer and any other expert whom the Town may wish to employ; notice and publication expenses; and recording fees. Actual costs may exceed the deposit; in this case, the applicant is liable for costs in excess of the deposit. The Town shall provide the applicant with a copy of the most current fee schedule and fee agreement form.
- e. Title Commitment. The title commitment must be current and dated no more than thirty (30) days from the date of final plat application submittal.
- f. Surrounding and Interested Property Ownership Report. Provide the Town Clerk with two (2) copies of a current (not more than thirty [30] days old) list of the names and addresses of the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.
- g. Mineral Rights Affidavit. The mineral rights affidavit must be current and must be dated no more than thirty (30) days before the date of the sketch plan application submittal.

h. Final Plat. The final plat drawing shall comply with the following standards:

1. The plat shall be prepared by or under the direct supervision of a registered land surveyor and meet applicable State requirements.

2. Parcels not contiguous shall not be included in one (1) plat, nor shall more than one (1) plat be made on the same sheet. Contiguous parcels owned by different parties may be included on one (1) plat, provided that all owners join in the dedication and acknowledgment.

3. Lengths shall be shown to the nearest hundredth of a foot and bearings shall be shown in degrees, minutes and seconds.

4. The perimeter survey description of the proposed subdivision shall include at least one (1) tie to an existing section monument of record and a description of monuments. The survey shown shall not have an error greater than one (1) part in ten thousand (10,000).

5. Bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside, with the lot dimensions.

6. All signatures shall be made in black drawing ink.

7. The final plat shall be twenty-four (24) inches high by thirty-six (36) inches wide and shall provide the following information:

a) Title of project.

b) North arrow, scale (not greater than 1" = 100') and date of preparation.

c) Vicinity map.

d) Legal description.

e) Basis for establishing bearing.

f) Names and addresses of owners, applicant, designers, engineers and surveyors.

g) Total acreage of subdivision.

h) Bearings, distances, chords, radii, central angles and tangent links for the perimeter and all lots, blocks, rights-of-way and easements.

- i) Lot and block numbers, numbered in consecutive order, and square footage of each lot or tract.
 - j) Excepted parcels from inclusion noted as "not included in this subdivision" and the boundary completely indicated by bearings and distances.
 - k) Existing and proposed rights-of-way in and adjacent to the subject property (labeled and dimensioned).
 - l) Existing and proposed street names for all streets on and adjacent to the property.
 - m) Existing and proposed easements and their type in and adjacent to the subject property (labeled and dimensioned).
 - n) Location and description of monuments.
 - o) Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, please state this on the plat).
 - p) Signature block for the registered land surveyor certifying to accuracy of boundary survey and plat (see Workbook for sample).
 - q) Signature block for certification of approval by the Board of Trustees with a signature for the Mayor and Town Clerk (see Workbook for sample).
 - r) Signature blocks for utility providers (see Workbook for sample).
 - s) Certification of ownership and dedication of streets, rights-of-way, easements and public sites (see Workbook for sample).
- i. General Development Information. Provide a written description confirming that the final plat conforms with the preliminary plat. In addition, the description shall address how the proposed development conforms with the community design principles and development standards in Article II of this Code).
- j. Complete Engineering Plans and Specifications.
1. Construction Plans and Profiles. The plans and profiles shall be prepared by a registered professional engineer licensed in the State, shall be twenty-four (24) inches high by thirty-six (36) inches wide and provide the following information:
- a) The horizontal to vertical scales shall be chosen to best depict the aspects of the design.
 - b) Minimum horizontal scale: 1" = 100'.

- c) Minimum vertical scale: 1" = 10'.
- d) The typical road geometric and structural cross-section is to be shown on each plan sheet.
- e) The plan must show right-of-way lines and widths, road names, lot lines, tangent lengths and bearings, curve radii, delta angles, curve lengths, chord lengths and bearings, stationing at all beginnings of curves and ends of curves, intersections, structures, angles, curb lines, cross pans, traffic control devices (islands, striping, signs, etc.), drive cuts, curb returns and radii, and all other features to enable construction in accordance with approved standards and standard engineering practice. Construction plans shall also include water, sewer, sanitary sewer and any other utilities such as irrigation ditches. (Note: The developer/owner is responsible for coordinating with the appropriate dry utility companies (i.e., gas, electric, telephone, cable).
- f) The profiles shall include ground lines, grade lines of curb and gutter or centerline of street elevation at point of intersection of vertical curves, intersections and other critical points, structures and all other features required to enable construction in accordance with approved standards.
- g) Signature blocks for all utility providers unless otherwise provided in agreement form.

2. Structure Details. Sufficient data shall be given to construction of major structures and road appurtenances such as bridges, culverts, gutters, drives, walks, cross pans, etc.; detail shall include orientation line and grade, cross-sections, dimensions, reinforcement schedules, materials, quality specification, etc.

3. Sewage Collection and Water Supply Distribution Plans, Profiles and Specifications. The plans, profiles and specifications shall be prepared by a registered professional engineer and shall be accompanied by written approvals from the applicable water and sanitation district.

4. Final Drainage Plans and Reports. Based upon the approved preliminary drainage plan, a final report is to be submitted in accordance with applicable storm drainage design criteria as determined at the initial preapplication conference. The plan and report must provide:

- a) Cross-sections of each water carrier showing high water elevations for one-hundred-year run-off and adjacent features that may be affected thereby.
- b) Written approvals, as may be required, from other agencies or parties that may be affected by the drainage proposals (i.e., FEMA, Weld County, ditch companies).

c) Supporting calculations for run-offs, times of concentration, flow capacity with all assumptions clearly stated with proper jurisdiction when needed or requested.

d) Erosion control plans, when required to be submitted as a result of preliminary plan review.

5. Final Grading Plan. The final grading plan shall be twenty-four (24) inches high by thirty-six (36) inches wide and illustrate existing and proposed contours and lot and block grading details (per FHA requirements if FHA insured).

6. Soils Reports. The soils reports shall detail special foundation requirements (shall be submitted after overlot grading is complete) and pavement design (may be submitted prior to building permit).

7. Final Street Lighting Plan. A final street lighting plan shall be prepared in conjunction with electric utility and the Town. The plan must specify the number, kind and approximate location of street lights.

k. Final Landscape Plan. Refer to Article II, Division 5 of this Chapter for the final landscape plan requirements.

l. Final Open Space and Ecological Characterization Plan. Refer to Article II, Division 5 of this Chapter for the final open space and ecological characterization plan requirements.

m. Special Documents (as needed):

1. Special improvement district documents.
2. Maintenance bonds.
3. Special agreements (as may be required by the Town).
4. Work in right-of-way permit (from Town).
5. Floodplain development permit (from Town).
6. Grading permit (from Town).
7. State Highway utility permit (from Colorado Department of Transportation).
8. State Highway access permit (from Colorado Department of Transportation).
9. Construction dewatering permit (from Colorado Department of Public Health and Environment).
10. 404 permit (from U.S. Army Corps of Engineers) or letter from the U.S. Army Corps of Engineers stating no permit is required for this project.

11. Air Pollution Emission Notice (APEN) (from Colorado Department of Public Health and Environment).

12. Work in ditch right-of-way permit (from individual ditch companies).

13. Rare species occurrence survey (from U.S. Fish and Wildlife Service).

14. Letter from U.S. Fish and Wildlife Service certifying either there are no endangered species on the property or the project has an approved Habitat Conservation Plan or Mitigation Plan in place.

15. Subdivision agreement for public improvements. This agreement assures construction of the required improvements. This document shall be signed by the developer and the Town, the signatures shall be notarized, and the document shall be recorded by the Town Clerk with the County Clerk and Recorder.

16. General warranty deed. This deed conveys to the Town all public lands other than streets shown on the plat or, in lieu of a deed, a check in an amount to be determined by the Town.

17. Improvements guarantee. Cash, certified check or a letter of credit from a bank in Colorado or other acceptable collateral in the amount stipulated to in the subdivision agreement or other agreements or contracts, posted in favor of the Town in an amount sufficient to assure construction of public improvements for either part or all of the plat, as the Board of Trustees shall determine.

18. Approved adjudication of water rights and a plan of augmentation (if applicable).

19. Protective covenants, homeowners association (HOA) documents, articles of incorporation for HOA and architectural design guidelines finalized and in a form for recording. If there are open space areas to remain in private ownership within the subdivision, the HOA documents must have in place a mechanism which will assure maintenance will be funded in perpetuity.

20. FEMA approved applications (i.e., Conditional Letter of Map Revisions [CLOMR] or Letter of Map Revisions [LOMR]).

21. Documentation showing who will own and maintain the open space.

22. Documentation for dedication of public sites for open space or other civic purposes.

n. "Clean" Final Plat for Addressing.

1. Title of project.

2. North arrow, scale (not greater than 1" = 100') and date of preparation.

3. Vicinity map.
4. Lot and block numbers, numbered in consecutive order.
5. Rights-of-way and street names.
6. Property boundary.

o. Public Hearing Notification Envelopes. Provide the Town Clerk with two (2) sets of stamped, addressed, certified (return receipt requested) envelopes. The envelopes shall have the Town's address as the mailing address and return address and the envelopes shall be addressed to the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property and the appropriate referral agencies (as discussed in the preapplication conference).

p. Block Diversity Plan. Refer to Section 16-2-40 of this Chapter for the plan requirements.

(3) Step 3: Application Certification of Completion. Within a reasonable period of time, Staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the Final Plat Technical Criteria form) to the Town Clerk. The original application and all documents requiring a signature shall be signed in blue ink.

(4) Step 4: Refer Application to Parties of Interest. Not less than forty-five (45) days before the date scheduled for the initial Planning Commission public hearing, the applicant shall send information about the application by regular mail to: adjacent municipalities, Weld County, surrounding property owners within three hundred (300) feet, mineral interest owners of record, mineral and oil and gas lessees for the property, appropriate referral agencies and other parties of interest. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property and the applicant's name.

(5) Step 5: Staff Reviews Application and Prepares Comments. Staff will complete a technical review of the final plat based on the Town's final plat review criteria and referral comments received. Staff will then prepare a report identifying any issues of concern that the applicant will need to address and forward this report to the applicant.

(6) Step 6: Applicant Addresses Staff Comments. The applicant shall address all of the Staff comments, then submit the following to the Town Clerk:

- a. Letter explaining how all of the comments have been addressed; and
- b. Revised maps and other documents.

(7) Step 7: Final Staff Review. Staff will complete a final review of the resubmitted materials and then prepare a report to the Planning Commission explaining how the application is or is not consistent with the final plat review criteria.

(8) Step 8: Planning Commission Public Meeting and Recommendation. The Planning Commission shall hold a public meeting to review the final plat based on the Town's final plat review criteria. The Planning Commission shall then make a recommendation to the Board of Trustees to approve, conditionally approve or deny the final plat application.

(9) Step 9: Applicant Addresses Planning Commission Conditions. The applicant shall revise the final plat based on Planning Commission's conditions of approval and submit it to the Town.

(10) Step 10: Final Staff Review. Staff will complete a final review of the resubmitted materials and then prepare a report to the Board of Trustees explaining how the application is or is not consistent with the final plat review criteria.

(11) Step 11: Notify Parties of Interest. Not less than thirty (30) days before the date scheduled for the initial Board of Trustees public hearing, Staff shall notify: surrounding property owners within three hundred (300) feet, mineral interest owners of record, mineral and oil and gas lessees for the property and other parties of interest. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property and the applicant's name.

(12) Step 12: Schedule Final Plat Public Hearing and Complete Public Notification Process. The Board of Trustees shall schedule a public hearing for the purpose of taking action on the final plat. The Town Clerk shall publish notice in a newspaper of general circulation. The hearing may be held no less than thirty (30) days from the date of advertising.

(13) Step 13: Board of Trustees Public Hearing and Action. The finalized final plat shall be presented to the Board of Trustees for its review and action at a public hearing. The Board of Trustees shall review the final plat based on the final plat review criteria. If approved, the Board of Trustees shall adopt the plat by ordinance and the Town Clerk shall request two (2) original Mylars and five (5) paper copies of the final plat ready for the Mayor and Clerk to sign and then record. Submitted Mylars shall have all signatures except the Town's prior to submittal to the Clerk. The Town will provide the finalized subdivision agreement for the applicant to sign.

(14) Step 14: Record Final Plat. One (1) original Mylar of the final plat shall be recorded by the Town Clerk in the office of the County Clerk and Recorder. The recording fee shall be paid by the developer.

(15) Step 15: Post-Approval Actions. Prior to recording the final plat the applicant shall submit the following documentation to the Town Clerk:

a. List of Contractors. List of all contractors that will be performing the improvements.

b. Proof of Insurance. Proof of workers' comprehensive insurance and liability insurance for each contractor.

c. Open Space Deed Restriction. Areas designated as open space shall be protected by a deed restriction or other appropriate method to ensure that they cannot be subdivided or developed in the future and will remain as open space in perpetuity.

d. Other Certificates, Affidavits, Enforcements or Deductions. As required by the Planning Commission or Board of Trustees.

e. Evidence that all conditions of approval have been met.

f. A copy of the paid final invoice demonstrating that all review fees have been paid.

g. Five (5) sets if stamped final engineering drawings for the public improvements.

(c) Final Plat Review Criteria. The Town shall use the following criteria to evaluate the applicant's request:

(1) The final plat conforms to the approved preliminary plat and incorporates recommended changes, modifications and conditions attached to the approval of the preliminary plat unless otherwise approved by the Board of Trustees.

(2) The development will substantially comply with the community design principles and development standards as set forth in Article II of this Chapter.

(3) All applicable technical standards have been met. (Ord. 480 §4.7, 2003)

Sec. 16-4-190. Concurrent sketch plan/preliminary plat.

(a) Purpose. The purpose of the concurrent sketch plan/preliminary plat is to provide the Town with an overall master plan for the proposed development in one (1) step.

(b) Concurrent Sketch Plan/Preliminary Plat Application Process.

(1) Step 1: Preapplication Conference. A preapplication conference with a representative from the Town is required before the applicant may submit a preliminary plat application. Topics to be discussed will include:

a. Milliken regulations and standards;

b. The application and review process;

c. Submittal requirements; and

d. Schedule.

(2) Step 2: Technical Advisory Committee Meeting. Staff shall schedule a meeting with appropriate referral agencies (i.e., oil and gas companies, water providers, RE-5J School District, Weld County Department of Public Health and Environment, Weld County Public Works Department, Milliken Post Office, Milliken Police Department, Milliken Fire District, Thompson Rivers Parks and Recreation District, etc.), appropriate Town Staff (i.e., Town Clerk, Town Planner, Town Engineer, Town Administrator, etc.) and the applicant to discuss the project.

(3) Step 3: Planning Commission Visioning Meeting. This is intended to be a collaborative meeting between the Planning Commission and the developer to ensure that all new development is consistent with the community's goals and that issues are identified early in the development process. Topics that may be addressed in this meeting include:

a. How the proposed project is consistent with the community design principles and development standards in Article II of this Chapter, the Comprehensive Plan and the subdivision regulations in Article IV of this Chapter.

b. The developer's goals and vision for the project.

c. How the proposed development incorporates variety in the type, design and siting of buildings.

d. How the proposed subdivision will be connected to and integrated with surrounding natural and developed areas.

e. How the project will impact neighboring properties (i.e., water drainage, traffic circulation, environmental impacts, view corridors).

f. How the design is cost-effective and environmentally responsive to site features and constraints and how potential impacts to natural systems will be mitigated.

g. How the design capitalizes on natural and cultural assets on and around the site to build a positive and distinctive identity.

h. How the proposal promotes the efficient use of land and public streets, utilities and governmental services.

i. Applicants should bring the following items to the meeting:

1. Context/vicinity map which shows the proposed development in relation to the surrounding area (see Section 16-4-160 of this Article for details).

2. Base map which shows the site features (such as topography, ditches, drainageways, wildlife habitat, trees and view corridors).

3. Images (such as photographs, sketches and/or plans) which illustrate the project intention. For example, an applicant might bring pictures of:

a) Important architectural elements (such as a porch, vertical windows, mother-in-law units);

b) Proposed architectural styles;

c) Ideas for landscaping features, such as a Xeriscape garden entryway;

- d) Streetscape components which contribute to the project's character;
- e) A special tree on the property;
- f) Examples of signs that promote the development's identity; and
- g) Anything else that illustrates what the developer is trying to create.

(4) Step 4: Concurrent Sketch Plan/Preliminary Plat Application Submittal. The applicant shall submit one (1) copy of the complete preliminary plat application to the Town Clerk. The application must be submitted a minimum of sixty (60) days prior to the Planning Commission meeting at which the application will be reviewed. The sketch plan/preliminary plat application package shall include the following items:

- a. Land Use Application Form.
- b. Subdivisions – Technical Criteria Form (from Workbook).
- c. Legal Notice Form. The applicant shall prepare the legal notice form and return it to the Town with an electronic copy of the legal description in MSWord™ Format.
- d. Application Fee and Fee Agreement. A nonrefundable fee is collected to cover the cost of review by the Town Attorney, Town Engineer, Town Planner and any other expert whom the Town may wish to employ; and notice and publication expenses. Actual costs may exceed the deposit; in this case, the applicant is liable for costs in excess of the deposit. The Town shall provide the applicant with a copy of the most current fee schedule and fee agreement form.
- e. Title Commitment. The title commitment must be current and dated no more than thirty (30) days from the date of preliminary plat application submittal.
- f. Surrounding and Interested Property Ownership Report. Provide the Town Clerk with two (2) copies of a current (not more than thirty [30] days old) list of the names and addresses of the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.
- g. Mineral Rights Affidavit. The mineral rights affidavit must be current and must be dated no more than thirty (30) days before the date of the sketch plan application submittal.
- h. Sketch Plan/Preliminary Plat. The plat shall be twenty-four (24) inches high by thirty-six (36) inches wide and provide the following information:
 - 1. Title of project.
 - 2. North arrow, scale (not greater than 1" = 100') and date of preparation.

3. Vicinity map.
4. Names and addresses of owners, applicant, designers, engineers and surveyors.
5. Legal description.
6. Total acreage of property.
7. Existing contours at two-foot intervals (contours shall be based on USGS datum).
8. Name and location of abutting subdivisions or owners of abutting property (if land is not platted).
9. Lots, blocks and street layout with approximate dimensions and square footage for each lot.
10. Consecutive numbering of all lots and blocks.
11. Existing and proposed rights-of-way and easements on and adjacent to the property.
12. Existing and proposed street names for all streets on and adjacent to the property.
13. Existing and proposed zoning on and adjacent to the property.
14. Location and size of existing and proposed sewer lines, water lines and fire hydrants. (Note: The applicant must consult with the appropriate utility service providers regarding the design of all utilities through the subdivision.)
15. Existing and proposed curb cuts on and adjacent to subject property.
16. Location by field survey or aerial photography of existing and proposed water courses and bodies of water such as irrigation ditches and lakes. Water courses shall include direction of flow.
17. Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, please state this on the plan).
18. General location of existing surface improvements such as buildings, fences or other structures which will remain on the property as part of the subdivision.
19. Location and acreage of sites, if any, to be dedicated for parks, playgrounds, schools or other public uses.
20. Location, function, ownership and manner of maintenance of any private open space.

21. Land use table. The table shall include: land uses, approximate acreage of each land use, and percentage of each land use (including how the public/semi-public requirement will be met, per Article II, Division 4 of this Chapter).

22. Total number of lots.

23. Number of each type of dwelling unit proposed.

i. General Development Information. Provide a written description of the existing conditions on the site and the proposed development. Include the following items:

1. Explanation of how the sketch plan/preliminary plat is consistent with the sketch plan, and if there are any differences, what they are and how the plan is still consistent with the community's vision.

2. Explanation of how the items of concern expressed by the Planning Commission and Board of Trustees during the sketch plan review have been addressed.

3. Explanation of how the plan is consistent with the Land Use Code and Comprehensive Plan.

j. Preliminary Grading and Drainage Plan and Report. This plan and report must be certified by a Colorado registered professional engineer, including storm drainage concepts such as locations for on-site detention or downstream structural improvements and soil erosion and sedimentation control plans and specifications. It must also discuss the impacts on and to any existing floodways and/or floodplains on and adjacent to the site as well as any FEMA applications required.

k. Master Utility Plan. This plan shall be prepared by a registered professional engineer. It is necessary that the engineer consult with the appropriate utility service providers regarding the design of all utilities through the subdivision.

l. Preliminary Landscape Plan. Refer to Section 16-2-485 of this Code for the preliminary landscape plan requirements.

m. Preliminary Open Space and Ecological Characterization Plan. Refer to Article II, Division 5 of this Chapter for the preliminary open space plan and ecological characterization requirements.

n. Traffic Study. This study must be prepared by a professional traffic engineer.

o. Draft of Proposed Covenants and Architectural Design Guidelines.

p. Mineral, Oil and Gas Rights Documentation. Evidence that the applicant has contacted all mineral rights owners and all lessees of mineral, oil and gas rights associated with the site by certified mail and is working towards resolution. Included in the evidence must be the name of the current contact person, his or her phone number and mailing address and a description of the issues.

q. Soils Report and Map. A copy of the soils report and map provided at the time of sketch plan must be provided.

r. Colorado Historical Society Records Search. At the discretion of the Town Staff or Board of Trustees, an applicant may be required to provide the Town with a Colorado Historical Society records listing historically or archaeologically significant findings on the property being subdivided. If a listing shows a significant finding, a site-specific historic survey is required. The survey shall provide the following information:

1. Site identification:
 - a) State site number;
 - b) Site address;
 - c) Site location/access;
 - d) Type and description of finding (what is historic); and
 - e) Owner's name and address.
2. Eligibility assessment for historic designation.
3. Statement of significance.
4. Management and administrative data:
 - a) References;
 - b) Photographs of the site;
 - c) Maps of the site;
 - d) Name, address, phone number and qualifications of the person completing survey; and
 - e) Date of completion of survey.

If, in coordination with the applicant, the Board of Trustees decides to protect an historic resource, a protection plan must be devised.

5. Public Hearing Notification Envelopes. Provide the Town Clerk with two (2) sets of stamped, addressed envelopes. The envelopes shall have the Town's address as the mailing address and return address and the envelopes shall be addressed to the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property and the appropriate referral agencies (as discussed in the preapplication conference).

(5) Step 5: Application Certification of Completion. Within a reasonable period of time, Staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. the applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the Preliminary Plat Technical Criteria form) to the Town Clerk. The original application and all documents requiring a signature shall be signed in blue ink.

(6) Step 6: Refer Application To Parties of Interest. Not less than forty-five (45) days before the date scheduled for the initial public hearing, the applicant shall send information about the application by regular mail to: adjacent municipalities, Weld County, surrounding property owners within three hundred (300) feet, mineral interest owners of record, mineral and oil and gas lessees for the property, appropriate referral agencies and other parties of interest. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property and the applicant's name.

(7) Step 7: Staff Reviews Application and Prepares Comments. Staff will complete a review of the preliminary plat based on the preliminary plat review criteria and referral comments received. Staff will then prepare a report identifying issues of concern for the applicant to address and forward this report to the applicant.

(8) Step 8: Applicant Addresses Staff Comments. The applicant shall submit the following to the Town Clerk:

- a. Letter explaining how all of the comments have been addressed; and
- b. Revised maps and other documents.

(9) Step 9: Final Staff Review. Staff will complete a final review of the resubmitted materials and then prepare a report to the Planning Commission explaining how the application is or is not consistent with the preliminary plat review criteria.

(10) Step 10: Schedule Preliminary Plat Public Hearing and Complete Public Notification Process. The Planning Commission shall schedule a public hearing for the purpose of taking action on the preliminary plat. The Town Clerk shall publish notice in a newspaper of general circulation. The hearing may be held no less than thirty (30) days from the date of advertising.

(11) Step 11: Planning Commission Public Hearing and Recommendation. The Planning Commission shall hold a public hearing to review the application based on the preliminary plat review criteria. The Planning Commission shall then make a recommendation to the Board of Trustees to approve, conditionally approve or deny the application.

(12) Step 12: Applicant Addresses Planning Commission Conditions. The applicant shall revise the preliminary plat based on the Planning Commission's conditions of approval and submit it to the Town.

(13) Step 13: Final Staff Review. Staff will complete a final review of the resubmitted materials and then prepare a report to the Board of Trustees explaining how the application is or is not consistent with the preliminary plat review criteria.

(14) Step 14: Board of Trustees Action. The preliminary plat shall be presented to the Board of Trustees for its review and action (not less than three [3] weeks after the Planning Commission has reviewed the plan). The Board of Trustees may approve, conditionally approve or deny the preliminary plat based on the preliminary plat review criteria. Approval and conditional approval of a preliminary plat shall be effective for one (1) year unless otherwise approved by the Board of Trustees. If the plat is denied, the request or one that is substantially similar may not be heard by the Planning Commission for a period of one (1) year from the date of denial unless otherwise approved by the Planning Commission. If a final plat is not submitted within said time limit or an extension has not been granted, a preliminary plat must again be submitted before action may be taken on a final plat.

(c) Concurrent Sketch Plan/Preliminary Plat Review Criteria. The Town shall use the following criteria to evaluate the applicant's concurrent sketch plan/preliminary plat application:

(1) The land use mix within the project conforms to the zoning district map and furthers the goals and policies of the Comprehensive Plan, including:

- a. The proposed development promotes Milliken's small-town rural character;
- b. Proposed residential development adds diversity to Milliken's housing supply;
- c. Proposed commercial development will benefit Milliken's economic base;
- d. Parks and open space are incorporated into the site design;
- e. The proposed project protects Milliken's environmental quality; and
- f. The development enhances cultural, historical, educational and/or human service opportunities.

(2) The sketch plan/preliminary plat represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code, the Comprehensive Plan, the Johnstown/Milliken Parks, Trails, Recreation and Open Space Master Plan and the community design principles and development standards in Article II of this Chapter.

(3) The utility and transportation design is adequate, given existing and planned capacities of those systems.

(4) Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.

(5) There is a need or desirability within the community for the applicant's development and the development will help achieve a balance of land use and/or housing types within the Town, according to the Town's goals. (Ord. 480 §4.8, 2003)

Division 3
Rural Subdivisions¹

Sec. 16-4-210. Purpose.

The purpose of the rural subdivision is:

- (1) To preserve open areas in the Milliken Planning Area and promote the goal of contiguous open space and agricultural preservation.
- (2) To provide flexible land use regulations which encourage innovative site design techniques and improve the character and quality of new development.
- (3) To further the goals and policies set forth in the Comprehensive Plan.
- (4) To encourage development patterns which promote more efficient use of land to protect and enhance environmentally sensitive areas and the unique features of a property.
- (5) To promote creative and economical residential layout and street design to provide a more efficient and aesthetic use of open space and to reduce infrastructure cost.
- (6) To recognize and respect both individual rights and community interests and values when development is proposed. (Ord. 480 §4.9, 2003)

Sec. 16-4-220. Areas where rural subdivisions are permitted.

Rural subdivisions are permitted in all areas designated as rural subdivision in the Comprehensive Plan. (Ord. 480 §4.9, 2003)

Sec. 16-4-230. Minimum property size.

The rural subdivision process is available for applications including a minimum of eighty (80) acres of property. (Ord. 480 §4.9, 2003)

Sec. 16-4-240. Building lot location.

(a) The building lots shall be located to minimize the impact on any environmental or open space resource area on the property. They shall be sited in areas that are compatible with the special characteristics of the parcel and the surrounding area. In the case of undermining, the recommendations made in the geotechnical report must be followed.

(b) The lots shall be clustered to make efficient use of land resources and infrastructure. The lots shall also be clustered with respect to dwellings on surrounding properties. However, if clustering detracts from the natural characteristics of the parcel, the lots may be dispersed if approved by the Board of Trustees.

¹ These principles were adapted from *Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks*, Randall Arendt, 1996.

(c) The lots shall be located nearest to utilities and roads to minimize the amount of construction unless this directly conflicts with other preservation goals.

(d) Lot sizes and spacing will depend on the specific site and technical and environmental factors.

(e) Additional factors which shall be considered in siting the building lots include:

- (1) Type of development in the surrounding area;
- (2) Amount of land being preserved;
- (3) Owner's desires for utilization of the land;
- (4) Impact on infrastructure;
- (5) Internal road impacts and vehicular and pedestrian circulation, including connections to existing and planned roads and trails;
- (6) Surface and ground water quality;
- (7) View corridors from and into the development; and
- (8) Proximity to existing utilities. (Ord. 480 §4.9, 2003)

Sec. 16-4-250. Density and lot size.

(a) Determining Density. The maximum net density in a rural subdivision is one (1) unit per twenty (20) acres, unless the Town approves a conservation density bonus pursuant to Section 16-4-270, which permits a maximum net density of one (1) unit per five (5) acres.

(b) Determining Lot Sizes. The minimum lot size allowed in a rural subdivision is determined by whether the property will use septic systems or tie into a sanitary sewer system.

(1) Septic System Developments: Two and one-half (2½) acres minimum lot size or the Weld County Department of Public Health and the Environment standard (whichever is greater).

(2) Public Sewer System Developments.

a. Ten thousand (10,000) square foot minimum lot size for units not adjacent to open space.

b. Eight thousand (8,000) square foot minimum lot size for units adjacent to open space. (Ord. 480 §4.9, 2003)

Sec. 16-4-260. Septic system requirements.

- (a) A development exceeding fifty (50) units must be served by public sewer.
- (b) The type of septic systems allowed shall utilize the most environmentally sensitive technology available at the time of installation.
- (c) The developer must require the homeowners' association or another Town-approved group to ensure that all of the septic systems are inspected and maintained on an annual basis. The homeowners' association or other Town-approved group must keep records of when and who completes the inspections and maintenance. (Ord. 480 §4.9, 2003)

Sec. 16-4-270. Conservation density bonus.

(a) Approval Standards. A conservation density bonus that raises the maximum net density in a rural subdivision to one (1) unit per five (5) acres may be approved by the Board of Trustees if the Board determines that the proposed development complies with each provision of this Section.

(b) Open Space. In rural subdivisions with a conservation density bonus, at least seventy-five percent (75%) of the property must be preserved as open space in a designated conservation area. All land within the conservation area shall be protected by a permanent conservation easement. Areas which must be included within the conservation area include land within the one-hundred-year floodplain (as defined by the Board of Trustees, the Colorado Water Conservation Board or FEMA), wetlands (as determined by the ecological characterization), valuable habitat areas (as determined by an ecological characterization; refer to Section 16-2-810 of this Code) and natural geologic hazard areas (as defined by the Colorado Geological Survey).

(1) To the maximum extent possible, the conservation area shall include one-hundred-foot buffers around natural areas and floodplains and all or part of the following: aquifer recharge areas, significant wildlife habitat and migration corridors, unique vegetation and critical plant communities, prime farmland, historic, archaeological or cultural features, ridgelines and scenic view corridors.

(2) The conservation area shall be designated as a single outlot unless an existing ditch, physical feature or road separates the preserved area in such a way as to make creating a single outlot infeasible. The existence of an historic site, wildlife habitat or other resource would also allow for the platting of separate outlots.

(3) Areas set aside for trail easements and peripheral roads may be considered part of the outlot.

(4) To the maximum extent feasible, the conservation area shall be connected with other conservation areas or open space parcels on adjacent land.

(5) Development Area. In rural subdivisions with density bonus, up to twenty-five percent (25%) of the property may be developed.

(6) Conservation Area Previously Subject to Conservation Easement. Property subject to a conservation easement recorded in the County Clerk and Recorder's office prior to the date an application for a rural subdivision is submitted may be considered to satisfy the seventy-five-percent open space requirement if the Board of Trustees determines on a case-by-case basis that such property and conservation easement both comply with this Section and the following criteria:

a. The subdivision has been located on the property to maximize the preservation of open space, including but not limited to agricultural areas, existing trees and vegetation, wildlife habitat and sensitive environmental areas such as riparian corridors, hazard areas, wetlands and floodplains; and

b. To the extent feasible given the topography and features of the property, the property subject to the conservation easement is contained in contiguous parcels and is not bisected by the proposed development. (Ord. 480 §4.9, 2003)

Sec. 16-4-280. Incentives and benefits.

(a) Landowner incentives for developing rural subdivisions include the following:

- (1) Process is easier/faster.
- (2) Possible increase in land value by creating open space.
- (3) Flexibility in site design.
- (4) Rural subdivision applications receive priority.

(5) Rural subdivision review process is abbreviated – the sketch plan and preliminary plat applications are submitted and reviewed concurrently.

(b) Community and landowner benefits include the following:

- (1) Preserves the Town's agricultural lands, rural character and view corridors.
- (2) Maintains wetlands, wildlife habitat and other environmental resources.
- (3) Maintains land contiguous with adjacent open space.
- (4) May allow public access to open space. (Ord. 480 §4.9, 2003)

Sec. 16-4-290. Open space ownership standards.

Common open space within a development shall be owned, administered and maintained by any of the following methods, either individually or in combination, subject to approval by the Board of Trustees.

(1) Common Areas. Ownership and maintenance of common areas designated for the enjoyment of residents of the rural subdivision shall be the responsibility of a homeowners'

association, unless a different arrangement is determined to be adequate. Membership in the association shall be automatic for all purchasers of lots therein and their successors. The association members shall share equitably in the costs of maintaining the open space. However, the Board of Trustees may agree to accept and maintain the common areas for the enjoyment of residents of Milliken.

(2) Dedication of Easements. The Town may, but shall not be required to, accept easements for public use of any portion or portions of undivided open space land, provided that the following requirements are met:

- a. The title shall remain in ownership by the homeowners' association unless otherwise approved by the Board of Trustees;
- b. The land is accessible to the public;
- c. There is no acquisition cost other than any costs incidental to the transfer of ownership, such as title insurance; and
- d. A satisfactory maintenance agreement is reached between the developer, homeowners' association and Town.

(3) Management Plan. In all cases, a management plan which defines the roles and responsibilities for managing open space shall accompany and be approved as part of the final plat (refer to Article II, Division 5 of this Chapter).

(4) Failure to Properly Maintain Open Space. Failure to adequately maintain the open space in reasonable condition constitutes a violation of this ordinance. The Town is hereby authorized to give notice, by personal service or by United States mail, to the owner or occupant, of any violation, directing the owner to remedy the violation within twenty (20) days. Please refer to Article VI of this Code for further information. (Ord. 480 §4.9, 2003)

Sec. 16-4-300. Sketch plan/preliminary plat application process.

(a) Step 1: Preapplication Conference (for Rural Subdivisions). A preapplication conference with a representative from the Town is required before the applicant may submit a sketch plan/preliminary plat application for a rural subdivision. The purpose of the meeting is to allow the applicant to discuss his or her ideas for developing the property and to give the Town the opportunity to communicate the Town's vision. Topics to be discussed will include:

- (1) The applicant's goals for the property.
- (2) The Town's vision and expectations.
- (3) Community Design Principles and Development Standards.
- (4) The character and quality of development the Town is seeking.

- (5) Town regulations and standards.
- (6) The application and review process.
- (7) Submittal requirements.
- (8) Schedule.

(b) Step 2: Site Visit with Town Representative. At the preapplication conference, the applicant will have an opportunity to schedule a site visit with a Town representative. This will give the applicant and the Town the opportunity to visit the site together to recognize and discuss the site's opportunities and constraints.

(c) Step 3: Planning Commission Visioning Meeting. This is intended to be a collaborative meeting between the Planning Commission and the developer to ensure that all new development is consistent with the community's goals and that issues are identified early in the development process. Topics that may be addressed in this meeting include:

- (1) The developer's goals and vision for the project.
- (2) How the proposed project is consistent with the community design principles and development and subdivision regulations in Article II of this Chapter, and the Comprehensive Plan.
- (3) How the proposed development incorporates variety in the type, design and siting of buildings.
- (4) How the proposed subdivision will be connected to and integrated with surrounding natural and developed areas.
- (5) How the project will impact neighboring properties (i.e., water drainage, traffic circulation, environmental impacts, view corridors).
- (6) How the design is cost-effective and environmentally responsive to site features and constraints and how potential impacts to natural systems will be mitigated.
- (7) How the design capitalizes on natural and cultural assets on and around the site to build a positive and distinctive identity.
- (8) How the proposal promotes the efficient use of land and public streets, utilities and governmental services.
- (9) Applicants should bring the following items to the meeting:
 - a. Context/Vicinity Map, which shows the proposed development in relation to the surrounding area (see Section 16-4-160 of this Article for details).

b. Base Map, which shows the site features (such as topography, ditches, drainageways, wildlife habitat, trees and view corridors).

c. Images (such as photographs, sketches and/or plans) which illustrate the project intention. For example, an applicant might bring pictures of:

1. Important architectural elements (such as a porch, vertical windows, mother-in-law units);
2. Proposed architectural styles;
3. Ideas for landscaping features, such as a Xeriscape garden entryway;
4. Streetscape components which contribute to the project's character;
5. A special tree on the property;
6. Examples of signs that promote the development's identity; and
7. Anything else that illustrates what the developer is trying to create.

(d) Step 4: Sketch Plan/Preliminary Plat Application Submittal (for Rural Subdivisions). The applicant shall submit one (1) copy of the complete sketch plan/preliminary plat application to the Town Clerk and shall request that the application be reviewed by the Planning Commission and Board of Trustees. The application must be submitted a minimum of sixty (60) days prior to the Planning Commission meeting at which the application will be reviewed. The sketch plan/preliminary plat application package shall include the following items:

(1) Land Use Application Form.

(2) Subdivisions – Technical Criteria Form (from Workbook.)

(3) Application Fee and Fee Agreement. A nonrefundable fee is collected to cover the cost of review by the Town Attorney, Town Engineer, Town Planner and any other expert whom the Town may wish to employ; and notice and publication expenses. Actual costs may exceed the deposit; in this case, the applicant is liable for costs in excess of the deposit. The Town shall provide the applicant with a copy of the most current fee schedule and fee agreement form.

(4) Title Commitment. The title commitment must be current and dated no more than thirty (30) days from the date of sketch plan/preliminary plat application submittal.

(5) Surrounding and Interested Property Ownership Report. The application shall provide the Town Clerk with a current list (not more than thirty [30] days old) of the names and addresses of the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.

(6) Context/Vicinity Map. The context/vicinity map shall show the proposed development in relation to the surrounding area (one-and-one-half-mile radius around the property). The map shall be twenty-four (24) inches high by thirty-six (36) inches wide and provide the following information:

- a. Title of project.
- b. North arrow, scale (not greater than 1" = 1000') and date of preparation.
- c. Boundary of proposed project.
- d. Existing (for developed land) or proposed (for vacant/agricultural land) land uses for the properties shown on the map (i.e., residential, commercial, industrial, park, etc.); label land use and whether it is existing or proposed.
- e. Major streets (show and label street names).
- f. Existing public water and sewer lines and proposed connections.
- g. Regional open space/trail networks per the Comprehensive Plan.
- h. Major ditches, rivers and bodies of water.
- i. Adjacent properties identified by subdivision name or zoning district.

(7) Sketch Plan/Preliminary Plat. The sketch plan/preliminary plat shall be twenty-four (24) inches high by thirty-six (36) inches wide and provide the following information:

- a. Title of project.
- b. North arrow, scale (not greater than 1" = 100') and date of preparation.
- c. Vicinity map.
- d. Names and addresses of owners, applicant, designers, engineers and surveyors.
- e. Legal description.
- f. Total acreage of property.
- g. Existing contours at two-foot intervals (contours shall be based on USGS datum).
- h. Name and location of abutting subdivisions or owners of abutting property (if land is not platted).
- i. Lots, blocks and street layout with approximate dimensions and square footage for each lot.

- j. Consecutive numbering of all lots and blocks.
- k. Existing and proposed rights-of-way and easements on and adjacent to the property.
- l. Existing and proposed street names for all streets on and adjacent to the property.
- m. Existing and proposed zoning on and adjacent to property.
- n. Location and size of existing and proposed water and sewer lines and fire hydrants.
(Note: The applicant must consult with the appropriate utility service providers regarding the design of all utilities through the subdivision.)
- o. Existing and proposed curb cuts on and adjacent to subject property.
- p. Location by field survey or aerial photography of existing and proposed water courses and bodies of water such as irrigation ditches and lakes. Water courses shall include direction of flow.
- q. Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, please state this on the plan).
- r. General location of existing surface improvements such as buildings, fences or other structures which will remain on the property as part of the subdivision.
- s. Location and acreage of sites, if any, to be dedicated for parks, playgrounds, schools or other public uses.
- t. Location, function, ownership and manner of maintenance of any private open space.
- u. Land use table. The table shall include land uses, approximate acreage of each land use and percentage of each land use.
- v. Total number of lots.
- w. Number of each type of dwelling unit proposed.

(8) General Development Information. Provide a written description of the existing conditions on the site and the proposed development. Include the following items in the description:

- a. Design rationale (discuss how development is connected to/integrated with surrounding area, how it responds to site features/constraints and how it is consistent with the community design principles and development standards in Article II of this Chapter.

- b. Price ranges of lots and dwelling units.
- c. Water supply information, including the number of water taps needed and the amount of raw water that will be turned over to the Town (consistent with County Water District policy, if applicable).
- d. Statement indicating whether or not any commercial mineral deposits are located on the site.
- e. Description of any floodplain hazards on the site (only if additional information is needed than what is shown on the sketch plan/preliminary plat map).
- f. Explanation of how the plan is consistent with the Land Use Code and Comprehensive Plan.

(9) Preliminary Grading and Drainage Plan and Report. This plan and report must be certified by a registered professional engineer, including storm drainage concepts such as locations for on-site retention or downstream structural improvements and soil erosion and sedimentation control plans and specifications. It must also discuss the impacts on and to any existing floodways on and adjacent to the site as well as any FEMA applications required.

(10) Master Utility Plan. This plan shall be prepared by a registered professional engineer. It is necessary that the engineer consult with the appropriate utility service providers regarding the design of all utilities through the subdivision.

(11) Preliminary Landscape Plan. Refer to Section 16-2-485 of this Chapter for the preliminary landscape plan requirements.

(12) Preliminary Open Space and Ecological Characterization Plan. Refer to Article II, Division 5 of this Chapter for the preliminary open space plan and ecological characterization requirements.

(13) Traffic Study. This study must be prepared by a professional traffic engineer.

(14) Draft of Proposed Covenants and Architectural Design Guidelines.

(15) Mineral, Oil and Gas Rights Documentation. Evidence that the surface owner has contacted all lessees of mineral, oil and gas rights associated with the site and is working towards resolution. Included in the evidence must be the name of the current contact person, his or her phone number and mailing address.

(16) Soils Report and Map. The report and map shall be based on USDA Soils Conservation Service information and discuss the existing conditions and any potential constraints/hazards. The report shall also address groundwater issues.

(17) Geologic Report. This report is required only for areas that have the potential for subsidence. It must be prepared by either a registered professional engineer or professional geologist; the professional must have experience in mine subsidence. The report shall address site conditions; geologic conditions; engineering and geologic considerations; and limitations and any necessary additional investigations.

(18) Colorado Historical Society Records Search. At the discretion of the Town Staff or Board of Trustees, an applicant may need to provide the Town with a Colorado Historical Society record listing historically or archaeologically significant findings on the property being subdivided. If a listing shows a significant finding, a site-specific historic survey is required. The survey shall provide the following information:

- a. Site identification.
 1. State site number;
 2. Site address;
 3. Site location/access;
 4. Type and description of finding (what is historic); and
 5. Owner's name and address.
- b. Eligibility assessment for historic designation.
- c. Statement of significance.
- d. Management and administrative data:
 1. References;
 2. Photographs of the site;
 3. Maps of the site;
 4. Name, address, phone number and qualifications of the person completing the survey; and
 5. Date of completion of survey.

If, in coordination with the applicant, the Board of Trustees decides to protect an historic resource, a protection plan must be devised.

(19) Public Hearing Notification Envelopes. Provide the Town Clerk with two (2) sets of stamped, addressed, certified (return receipt requested) envelopes. The envelopes shall have the Town's address as the mailing address and return address and the envelopes shall be addressed to the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, oil and gas lessees for the property and the appropriate referral agencies.

(e) Step 5: Application Certification of Completion. Within a reasonable period of time, Staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the Rural Subdivision Technical Criteria form) to the Town Clerk. The original application and all documents requiring a signature shall be signed in blue ink.

(f) Step 6: Refer Application To Parties of Interest. Not less than thirty (30) days before the date scheduled for public hearing or Staff decision, Staff shall send information about the application by certified mail to: adjacent municipalities, County, surrounding property owners within three hundred (300) feet, mineral interest owners of record, mineral and oil and gas lessees for the property and other parties of interest. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property and the applicant's name.

(g) Step 7: Letters of Support and Commitment to Serve. Within thirty (30) days from the date the application is deemed complete, the applicant shall provide the Town with letters of support and commitment to serve from all agencies identified at the preapplication conference (refer to Letters of Support and Commitment to Serve Table in the Workbook).

(h) Step 8: Staff Reviews Application and Prepares Comments. Staff will complete a review of the sketch plan/preliminary plat based on the sketch plan/preliminary plat review criteria and referral comments received. Staff will then prepare a report identifying any issues of concern for the applicant to address and forward this report to the applicant.

(i) Step 9: Applicant Addresses Staff Comments. The applicant shall submit the following to the Town Clerk:

- (1) Letter explaining how all of the comments have been addressed; and
- (2) Revised maps and other documents.

(j) Step 10: Final Staff Review and Report to Planning Commission. Staff will complete a final review of the resubmitted materials and then prepare a report to the Planning Commission explaining how the application is or is not consistent with the sketch plan/preliminary plat review criteria.

(k) Step 11: Schedule Rural Subdivision Public Hearing and Complete Public Notification Process. The Planning Commission shall schedule a public hearing for the purpose of taking action on the sketch plan/preliminary plat. The Town Clerk shall publish notice in a newspaper of general circulation. The hearing may be held no less than thirty (30) days from the date of advertising.

(l) Step 12: Planning Commission Public Hearing and Action. The Planning Commission shall hold a public hearing to review the application based on the sketch plan/preliminary plat review criteria for rural subdivisions. The Planning Commission shall then make a recommendation to the Board of Trustees to approve, conditionally approve or deny the application.

(m) Step 13: Applicant Addresses Planning Commission Conditions. The applicant shall revise the sketch plan/preliminary plat based on the Planning Commission's conditions of approval and submit it to the Town.

(n) Step 14: Board of Trustees Action. The sketch plan/preliminary plat shall be presented to the Board of Trustees for its review and action. The Board of Trustees may approve, conditionally approve or deny the preliminary plat based on the preliminary plat review criteria. Approval and conditional approval of a sketch plan/preliminary plat shall be effective for one (1) year unless otherwise approved by the Board of Trustees. If the plat is denied, the request or one that is substantially similar may not be heard by the Planning Commission for a period of one (1) year from the date of denial unless otherwise approved by the Planning Commission. If a final plat is not submitted within said time limit or an extension has not been granted, a preliminary plat must again be submitted before action may be taken on a final plat.

(o) Step 15: Final Plat Application Process (for Rural Subdivisions). Refer to the final plat application process outlined in Section 16-4-180 of this Article. (Ord. 480 §4.9, 2003)

Sec. 16-4-310. Sketch plan/preliminary plat review criteria.

The Town shall use the following criteria to evaluate the applicant's request:

- (1) The land use mix within the project conforms to the zoning district map and land use and public facilities map and furthers the goals and policies of the Comprehensive Plan, including:
 - a. The proposed development will preserve open space, environmental resources and/or agricultural land.
 - b. The proposed development promotes Milliken's small-town rural character.
 - c. The proposed residential development adds diversity to Milliken's housing supply.
 - d. Parks and open space are incorporated into the site design.
 - e. The proposed project protects Milliken's environmental quality.
 - f. The development enhances cultural, historical, educational and/or human service opportunities.
- (2) The sketch plan/preliminary plat represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code and the Comprehensive Plan.
- (3) The utility and transportation design is appropriate, given existing and planned capacities of those systems.
- (4) Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.
- (5) There is a need or desirability within the community for the applicant's development and the development will help achieve a balance of land use and/or housing types within the Town, according to the Town's goals.

(6) The rural subdivision, compared with more conventional site development plans, better attains the policies of the Land Use Code and the Comprehensive Plan, such as providing more open areas, preserving existing trees and vegetation, protecting wildlife habitats and preserving sensitive environmental areas such as riparian corridors, hazard areas, wetlands and floodplains.

(7) The proposed rural subdivision will have no significant adverse impacts on adjacent properties, or the applicant has agreed to appropriate mitigation measures such as landscaping, screening, illumination controls and other design features as recommended by the Town, to buffer and protect adjacent properties from the proposed development.

(8) The architecture, height, building materials, building colors and other design features of the rural subdivision are compatible with adjacent properties and existing development and blend with the natural landscape. (Ord. 480 §4.9, 2003)

Division 4
Additional Plats and Plans

Sec. 16-4-410. Minor subdivision plat.

(a) Purpose. The purpose of the minor subdivision plat is to complete the subdivision of land consistent with the technical standards when the following conditions exist:

(1) Option 1:

- a. The property has previously been platted within the Town;
- b. There is no public right-of-way dedication;
- c. The resulting subdivision will produce five (5) or fewer lots; and
- d. There will be no exceptions to the Subdivision Design Standards.

(2) Option 2:

- a. The property is to be subdivided for conveyance purposes only; and
- b. There is no public right-of-way dedication.

(b) Application Process.

(1) Step 1: Preapplication Conference. A preapplication conference with a representative from the Town is required before the applicant may submit a minor subdivision plat application. Topics to be discussed will include:

- a. Town regulations and standards.
- b. The application and review process.

- c. Submittal requirements.
- d. Schedule.

(2) Step 2: Technical Advisory Committee Meeting. Staff shall schedule a meeting with appropriate referral agencies (i.e., oil and gas companies, water providers, RE-5J School District, Weld County Department of Public Health and Environment, Weld County Public Works Department, Milliken Post Office, Milliken Police Department, Milliken Fire District, Thompson Rivers Parks and Recreation District, etc.), appropriate Town Staff (i.e., Town Clerk, Town Planner, Town Engineer, Town Administrator, etc.) and the applicant to discuss the project. Staff may waive the TAC meeting for minor subdivision applications.

(3) Step 3: Minor Subdivision Plat Application Submittal. The applicant shall submit one (1) copy of the complete minor subdivision plat application package to the Town Clerk and shall request that the application be reviewed by the Planning Commission and Board of Trustees. The minor subdivision plat application shall include:

- a. Land Use Application Form.
- b. Subdivisions - Technical Criteria Form (from Workbook).
- c. Application Fee and Fee Agreement. A nonrefundable fee is collected to cover the cost of review by the Town Attorney, Town Engineer, Town Planner and any other expert whom the Town may wish to employ; and recording fees. Actual costs may exceed the deposit; in this case, the applicant is liable for costs in excess of the deposit. The Town shall provide the applicant with a copy of the most current fee schedule and fee agreement form.
- d. Title Commitment. The title commitment must be current and dated no more than thirty (30) days from the date of minor subdivision plat application submittal.
- e. Mineral, Oil and Gas Rights Documentation. Evidence that the applicant has contacted all mineral rights owners and all lessees of mineral, oil and gas rights associated with the site by certified mail and is working towards resolution. Included in the evidence must be the name of the current contact person, his or her phone number and mailing address and a description of the issues. The mineral rights affidavit must be current and must be dated no more than thirty (30) days before the date of the sketch plan application submittal.
- f. Legal Notice Form. The legal notice form will be provided by the Town and filled out by the applicant and returned to the Town with an electronic copy of the legal description in MSWord™ Format.
- g. Minor Subdivision Plat. The minor subdivision plat drawing shall comply with the following standards:
 - 1. The plat shall be prepared by or under the direct supervision of a registered land surveyor and meet applicable State requirements.

2. Noncontiguous parcels shall not be included in one (1) plat, nor shall more than one (1) plat be made on the same sheet. Contiguous parcels owned by different parties may be included on one (1) plat, provided that all owners join in the dedication and acknowledgment.

3. Lengths shall be shown to the nearest hundredth of a foot and bearings shall be shown in degrees, minutes and seconds.

4. The perimeter survey description of the proposed subdivision shall include at least one (1) tie to an existing section monument of record and a description of monuments. The survey shown shall not have an error greater than one (1) part in ten thousand (10,000).

5. Bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside, with the lot dimensions.

6. All signatures shall be made in black drawing ink.

7. The minor subdivision plat shall be twenty-four (24) inches high by thirty-six (36) inches wide and shall provide the following information:

- a) Title of project.
- b) North arrow, scale (not greater than 1" = 100') and date of preparation.
- c) Vicinity map.
- d) Legal description.
- e) Basis for establishing bearing.
- f) Names and addresses of owners, applicant, designers, engineers and surveyors.
- g) Total acreage of subdivision.
- h) Bearings, distances, chords, radii, central angles and tangent links for the perimeter, and all lots, blocks, rights-of-way and easements.
- i) Lot and block numbers, numbered in consecutive order, and square footage of each lot or tract.
- j) Excepted parcels from inclusion noted as "not included in this subdivision" and the boundary completely indicated by bearings and distances.

k) Existing rights-of-way in and adjacent to subject property (labeled and dimensioned).

l) Existing and proposed street names for all streets on and adjacent to the property.

m) Existing easements and their type in and adjacent to subject property (labeled and dimensioned).

n) Location and description of monuments.

o) Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, please state this on the plat).

p) Certificate blocks for signatures of owner, surveyor, utility providers and Town approval, as applicable (see Workbook for examples).

h. General Development Information. Provide a written description addressing how the proposed development conforms to this Land Use Code (including the community design principles and development standards, the Zoning Code and the subdivision regulations), the Johnstown/Milliken Parks, Trails, Recreation and Open Space Master Plan and the Comprehensive Plan.

i. Surrounding and Interested Property Ownership Report. Provide the Town Clerk with two (2) copies of a current (not more than thirty [30] days old) list of the names and addresses of the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.

j. Block Diversity Plan. Refer to Section 16-2-40 of this Chapter for the plan requirements.

k. Public Hearing Notification Envelopes. Provide the Town Clerk with two (2) sets of stamped, addressed envelopes. The envelopes shall have the Town's address as the mailing address and return address and the envelopes shall be addressed to the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property and the appropriate referral agencies (as discussed in the preapplication conference).

(4) Step 4: Application Certification of Completion. Within a reasonable period of time, Staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the Minor Subdivision Plat Technical Criteria form) to the Town Clerk. The original application and all documents requiring a signature shall be signed in blue ink.

(5) Step 5: Refer Application to Parties of Interest. Not less than forty-five (45) days before the date scheduled for public hearing or Staff decision, Staff shall send information about the application by regular mail to: adjacent municipalities, Weld County, surrounding property owners within three hundred (300) feet, mineral interest owners of record, mineral and oil and gas lessees for the property, ditch companies and other parties of interest. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property and the applicant's name.

(6) Step 6: Staff Reviews Application and Prepares Comments. Staff will complete a review of the minor subdivision plat based on the Town's minor subdivision plat review criteria. Staff will then prepare a report identifying any issues of concern that the applicant shall address and forward it to the applicant.

(7) Step 7: Applicant Addresses Staff Comments. The applicant shall address the Staff's comments then submit the following to the Town Clerk:

- a. Letter explaining how all of the comments have been addressed; and
- b. Revised maps and other documents.

(8) Step 8: Schedule Minor Subdivision Public Meeting and Complete Public Notification Process. The Planning Commission shall schedule a public meeting for the purpose of making a recommendation on the minor subdivision plat. The Town Clerk shall publish notice in a newspaper of general circulation. The meeting may be held no less than thirty (30) days from the date of advertising.

(9) Step 9: Planning Commission Public Meeting and Recommendation. The Planning Commission shall hold a public meeting to review the application based on the minor subdivision plat review criteria. The Planning Commission shall then make a recommendation to the Board of Trustees to approve, conditionally approve or deny the application.

(10) Step 10: Applicant Addresses Planning Commission Conditions. The applicant shall revise the minor subdivision plat based on the Planning Commission's conditions of approval and submit it to the Town.

(11) Step 11: Schedule Minor Subdivision Public Hearing and Complete Public Notification Process. The Board of Trustees shall schedule a public hearing for the purpose of taking action on the minor subdivision plat. The Town Clerk shall publish notice in a newspaper of general circulation. The meeting may be held no less than thirty (30) days from the date of advertising.

(12) Step 12: Board of Trustees Public Hearing and Action. The finalized minor subdivision plat shall be presented to the Board of Trustees for its review and action at a public hearing. The Town Board of Trustees shall review the plat based on the minor subdivision plat review criteria. If approved, the Board of Trustees shall adopt the plat by ordinance and the Town Clerk shall request two (2) original Mylars of the final plat ready for the Mayor and Clerk to sign and then record. The Town will provide the finalized subdivision improvement agreement for the applicant to sign.

(13) Step 13: Record Minor Subdivision Plat. One (1) original Mylar of the minor subdivision plat shall be recorded by the Town Clerk in the office of the County Clerk and Recorder. The recording fee shall be paid by the developer.

a. Prior to recording the plat, the applicant must demonstrate that all conditions of approval have been met.

b. The applicant must also present evidence that all review fees have been paid to the Town in the form of a final invoice that is marked paid in full by the Town.

c. The applicant shall provide two (2) Mylars and five (5) paper copies of the final plat to the Town Clerk.

(c) Minor Subdivision Plat Review Criteria. The Town shall use the following criteria to evaluate the applicant's request: The minor subdivision plat is in compliance with this Chapter, the Comprehensive Plan and the Johnstown/Milliken Parks, Trails, and Open Space Master Plan. (Ord. 480 §4.10, 2003)

Sec. 16-4-420. Plot plan.

(a) Purpose. The plot plan is needed in order to apply for a building permit for any building or structure constructed on a single-family home or duplex lot. The plot plan shows where the proposed building or structure will be located on the lot so that the Town can make sure that the proposed location will be in compliance with all Town regulations.

(b) Plot Plan Process.

(1) Step 1: Submit Plot Plan Application Package.

a. Land Use Application Form.

b. Plot Plan – Technical Criteria Form (from Workbook).

c. Application Fee and Fee Agreement.

d. Plot Plan Map. The plot plan map shall be a minimum of eight and one-half (8½) inches by eleven (11) inches and shall provide the following information:

1. Title of project.

2. North arrow, scale (1" = 20' or as approved by the Town) and date of preparation.

3. Name, address and phone number of property owner.

4. Lot number, block number and name of subdivision.

5. Lot size (square footage).
6. Bearings and distances of all lot lines.
7. Existing easements on the lot.
8. Footprint of the proposed building or structure, dimensioned.
9. Square footage of the proposed building and the footprint of the proposed building.
10. Distance from the proposed building or structure to all lot lines.
11. All existing buildings or structures on the lot.
12. Driveway.
13. Existing and/or proposed water and sewer service lines on the lot.
14. Elevations of:
 - a) The finished floor for the house and garage.
 - b) The ground ten (10) feet away from the house and garage.
 - c) The lot corners.
15. Height of all proposed buildings.
16. Street trees (right-of-way landscaping).
17. Location of the garage within the building.
- e. Community Design Principles Description. Demonstrate in written and/or graphic form how the proposed structure is consistent with the applicable Community Design Principles and Development Standards found in Article II of this Chapter.
- f. Drainage Information. Provide the Town with information regarding how the lot will drain.

(2) Step 2: Staff Reviews Plot Plan Application and Prepares Comments. Staff will review the plot plan map to make sure it is consistent with the plot plan review criteria. Following the review, Staff will prepare a written report outlining any changes that must be made to the plot plan before it can be approved.

(3) Step 3: Applicant Addresses Staff Comments. The applicant will make all necessary changes to the plot plan and resubmits a revised copy to the Town.

(4) Step 4: Plot Plan Approval. Staff will complete final review of plot plan to ensure that the Plan is complete. If the Plan is determined completed, it is approved by Staff.

(c) Plot Plan Review Criteria. The plot plan must meet the following review criteria:

(1) All of the information needed on a plot plan is shown.

(2) The lot size and lot dimensions are consistent with what is shown on the approved final plat.

(3) No buildings or structures infringe on any easements.

(4) The proposed site grading is consistent with FHA standards (if insured by FHA); otherwise it shall meet the Town's approval. It shall also be consistent with the approved subdivision master grading and drainage plan.

(5) The density and dimensions shown conform with the density and dimensional standards in Section 16-3-490 of this Code or the approved PUD requirements.

(6) The applicable community design principles and development standards in Article II of this Chapter have been adequately addressed. (Ord. 480 §4.11, 2003)

Sec. 16-4-430. Site plan.

(a) Purpose. The site plan is needed in order to apply for a building permit for all multi-family, commercial and industrial developments. The site plan shows how the lot will be developed so that the Town can make sure that the site design will be in compliance with all Town regulations.

(b) Site Plan Process.

(1) Step 1: Submit Site Plan Application.

a. Land Use Application Form.

b. Site Plan – Technical Criteria Form (from Workbook).

c. Application Fee and Fee Agreement.

d. Site Plan Map. The site plan map shall be a minimum of eighteen (18) inches by twenty-four (24) inches and shall provide the following information:

1. Title of project.

2. North arrow, scale (no greater than 1" = 50') and date of preparation.

3. Vicinity map.
4. Address of project.
5. Legal description of property.
6. Name, address and phone number of property owner.
7. Name, address and phone number of person or firm responsible for plan.
8. Lot size (square footage).
9. Bearings and distances of all lot lines.
10. Existing and proposed easements and rights-of-way.
11. Existing and proposed paved areas and sidewalks on the site and in the adjacent rights-of-way, all dimensioned, showing how pedestrians will have access to the site and buildings.
12. Gathering areas for people.
13. Existing and proposed curb cuts on the site and in the adjacent rights-of-way (on both sides of perimeter streets), all dimensioned.
14. Existing and proposed two-foot contours.
15. Existing waterways on or adjacent to the site.
16. Finished floor elevations for all structures.
17. Footprint (including roof overhangs and eaves, decks, balconies, outside stairs and landings) of all proposed structures and their use with their dimensions and locations noted with respect to the property lines.
18. Existing structures and their use.
19. Square footage of the proposed building and the footprint of the proposed building.
20. Proposed structure height.
21. For commercial and industrial uses, the type of activity and number of employees.
22. For multi-family residential, the number of residential units and bedrooms per unit.

23. Location of proposed signs and lights.
24. Specifications for the signs and lights, including type, height and general conformance to the Code. For commercial and industrial uses, a photometric plan prepared by a qualified electrical or lighting engineer shall be submitted that depicts all lighting fixtures and the light spread (in foot-candles) of these fixtures across the site to all property boundaries.
25. Proposed traffic controls and striping for parking areas (all lanes, driveways and parking spaces must be dimensioned).
26. Trash disposal areas and enclosures including specifications for enclosures.
27. Location and size of existing and proposed water and sewer service connections and tap sizes (including those for irrigation systems).
28. Location and size of water and sewer lines to which the service connections will be or are made.
29. Location and size of water meters.
30. Location and size of backflow-prevention devices.
31. Indication of how and where perimeter drain will drain (if one exists).
32. Location of existing electrical lines and poles on or adjacent to the site.
33. Location of proposed electrical service connection and meter location.
34. Location of electric transformer.
35. Location of all fire hydrants. If none exist on site, note distance and direction of the closest hydrant adjacent to the site within three hundred (300) feet.
36. Location of detention/retention areas and storm sewer infrastructure with the required drainage easements.
37. The distance from the proposed building or structure to adjacent lot lines, easements and adjacent structures.
38. A land use chart (table).
39. Certificate blocks for signatures of owner, surveyor and Town approval, as applicable (see Workbook for samples).
- e. Community Design Principles and Development Standards Description. Demonstrate in written or graphic form how the proposed structure is consistent with the community design principles and development standards found in Article II of this Chapter.

f. **Certified Drainage Report.** A certified drainage report, including an erosion control study and plan, as applicable, must be reviewed and approved by the appropriate sanitation district (if applicable) prior to submittal of the report to the Town as part of the site plan application.

g. **Final Landscape Plan.** Refer to Article II, Division 5 of this Chapter for the final landscape plan requirements.

h. **Final Open Space and Ecological Characterization Plan.** Refer to Article II, Division 5 of this Chapter for the final open space and ecological characterization plan requirements.

i. **Exterior Elevations of Proposed Structures/Graphic Visual Aids.** Provide complete building elevations, drawn to scale, with illustrations of all colors and identifying major materials to be used in the structure. In addition, Staff may require building floor plans, sectional drawings, perspective drawings, models and/or computer visualizations when the impacts of a proposal warrant such information.

j. **Public Hearing Notification Envelopes.** Provide the Town Clerk with two (2) sets of stamped, addressed envelopes. The envelopes shall have the Town's address as the mailing address and return address and the envelopes shall be addressed to the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property, ditch companies and the appropriate referral agencies (as discussed in the preapplication conference).

k. **Mineral, Oil and Gas Rights Documentation.** Evidence that the applicant has contacted all mineral rights owners and all lessees of mineral, oil and gas rights associated with the site by certified mail and is working towards resolution. Included in the evidence must be the name of the current contact person, his or her phone number and mailing address and a description of the issues. The mineral rights affidavit must be current and must be dated no more than thirty (30) days before the date of the sketch plan application submittal.

l. **Legal Notice Form.** The legal notice form will be provided by the Town and filled out by the applicant and returned to the Town with an electronic copy of the legal description in MSWord™ Format.

(2) **Step 2: Application Certification of Completion.** Within a reasonable period of time, Staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the Site Plan Technical Criteria form) to the Town Clerk. The original application and all documents requiring a signature shall be signed in blue ink.

(3) **Step 3: Staff Refers Application to Adjacent Municipalities and Other Agencies.** Staff may refer the site plan materials to adjacent municipalities and other agencies and service providers for comments. The referral period shall be fifteen (15) days, but such period may be reduced or extended by Staff. Staff shall notify the applicant of any adjustment to the referral period.

(4) Step 4: Staff Reviews Application and Prepares Comments. Staff will review the site plan map to ensure it is consistent with the site plan review criteria. Staff may consider comments received during the referral period in its review of the site plan. Following the review, Staff will prepare a written report outlining any changes that the applicant must make before the site plan can be approved. This report will be forwarded to the applicant.

(5) Step 5: Applicant Addresses Staff Comments. The applicant makes all necessary changes to the site plan and resubmits a revised copy to the Town.

(6) Step 6: Site Plan Agreement. Staff may require that the applicant execute a site plan agreement to assure the construction of on-site and off-site improvements as a condition of approval of the site plan. Guarantees in the site plan agreement may be secured by an irrevocable letter of credit, or by cash deposited in an escrow account in an amount determined appropriate by Staff.

(7) Step 7: Schedule Site Plan for a Public Meeting and Complete Public Notification Process. The Planning Commission shall schedule a public meeting for the purpose of making a recommendation on the site plan. The Town Clerk shall publish notice in a newspaper of general circulation. The meeting may be held no less than thirty (30) days from the date of advertising.

(8) Step 8: Planning Commission Public Meeting and Recommendation. The Planning Commission shall hold a public meeting to review the application based on the site plan review criteria. The Planning Commission shall then make a recommendation to the Board of Trustees to approve, conditionally approve or deny the application.

(9) Step 9: Applicant Addresses Planning Commission Conditions. The applicant shall revise the site plan based on the Planning Commission's conditions of approval and submit it to the Town.

(10) Step 10: Schedule Site Plan Public Meeting and Complete Public Notification Process. The Board of Trustees shall schedule a public meeting for the purpose of taking action on the site plan. The Town Clerk shall publish notice in a newspaper of general circulation. The meeting may be held no less than thirty (30) days from the date of advertising.

(11) Step 11: Board of Trustees Action. The site plan shall be presented to the Board of Trustees for its review and action at a public meeting. The Board of Trustees may approve, conditionally approve or deny the minor subdivision plat based on the minor subdivision plat review criteria. All final decisions of the Board of Trustees approving, approving subject to conditions or denying an application shall be subject to review by the District Court in Weld County. Any applicant or other interested party may appeal such decisions in the manner provided by rules relating to civil proceedings before the District Court.

(12) Step 12: Submit and Record Site Plan. Upon approval by the Board of Trustees, the applicant shall have thirty (30) days to submit two (2) original Mylar drawings and five (5) paper copies of the approved site plan to the Town Clerk for recording, accompanied by the recording fees and all other costs billed by the Town relative to the site plan. Inaccurate, incomplete or poorly drawn plans shall be rejected. Within thirty (30) days of receipt of the site plan, the Town Clerk shall submit the approved site plan to the County Clerk and Recorder's Office for recording.

(13) Step 13: Post Approval Actions.

a. Building Permit. A building permit shall be issued only when a site plan has been approved. However, with the approval of the Town Clerk, an applicant may submit a building permit application concurrent with the site plan application. Building permits shall not be issued for any development that is not in conformance with the approved site plan.

b. Certificate of Occupancy. When building construction and site development are completed in accordance with the approved site plan and building permit, a Certificate of Occupancy may be issued.

c. Phasing and Expiration of Approval. The site plan shall be effective for a period of three (3) years from the date of approval, unless stated otherwise in the written site plan approval. Building permits shall not be issued based on site plans that have an approval date more than three (3) years old. For multi-phased plans, building permits shall not be issued based on an approval date more than three (3) years from the date of Phase I approval.

(c) Site Plan Review Criteria. The site plan must meet the following review criteria:

(1) All of the information required on a site plan is shown.

(2) The lot size and lot dimensions are consistent with what is shown on the approved final plat.

(3) No buildings or structures infringe on any easements.

(4) The proposed site grading is consistent with the requirements of the current Town of Milliken Master Drainage Plan, on file at the Town Hall.

(5) The density and dimensions shown conform to the density and dimensional standards at Section 16-3-490 of this Chapter or to the approved PUD requirements.

(6) The applicable community design principles and development standards have been adequately addressed and the proposed improvements conform with Article II of this Chapter.

(d) Amendments to Approved Site Plans.

(1) Minor variations in the location of structures, improvements or open space areas caused by engineering or other unforeseen difficulties may be reviewed and approved by the Town Staff. Such changes shall not exceed ten percent (10%) of any measurable standard or modify the use, character or density of an approved site plan. All plans so modified shall be revised to show the authorized changes and shall become a part of the permanent records of the Town.

(2) Changes to approved site plans that exceed the ten-percent threshold, or other major modifications (such as changes in building size or footprint, relocation of access points, changes to required parking, etc.), shall be considered as a new site plan application. Such amendments shall require Planning Commission review and approval to become effective. A complete site plan application shall be prepared and submitted in compliance with the requirements set forth in this Section. (Ord. 480 §4.12, 2003)

Division 5
Miscellaneous Regulations

Sec. 16-4-510. Amendments to recorded plats.

(a) Minor amendments which are filed with the County Clerk and Recorder to correct minor survey or drafting errors on a recorded plat shall be prepared in the form of an affidavit or, where deemed necessary for clarity, a revised plat certified by a land surveyor licensed with the State. All affidavits or corrected plats shall be reviewed and may be approved by the Town Staff. Notice of the minor amendment shall be given to the Board of Trustees.

(b) Amendments to a recorded plat which do not increase the number of lots or relocate or add roads or do not create more than five (5) total lots shall be submitted as a minor subdivision plat. The minor subdivision plat shall be prepared and submitted in compliance with the minor subdivision plat requirements at Section 16-4-410 of this Article. (Ord. 480 §4.13, 2003)

Sec. 16-4-520. Resubdivision.

The resubdivision of any lots, tracts or parcels, or the relocation or addition of streets within a subdivision, shall be considered a resubdivision (also known as a "replat") and shall be prepared and submitted in compliance with the requirements for subdivision as set forth in this Article. In the event any dedicated streets are relocated as a result of a resubdivision, it is necessary for the Town to first vacate those existing streets, with said vacation to be effective prior to the approval of the final plat. Vacation of right-of-way shall conform to the requirements of Section 16-4-540 of this Article. Certain sketch plan, preliminary plat and final plat requirements may be waived at the discretion of the Board of Trustees. (Ord. 480 §4.14, 2003)

Sec. 16-4-530. Exceptions to design principles and development standards.

(a) Exception Purpose. An applicant may apply for an exception to the minimum community design principles and development standards specified in Article II of this Chapter, except for those standards that are not open to modification (see Subsection (d) below). The applicant shall submit an application for exception specifying the basis for the exception requested. The burden of demonstrating that an exception is justified falls solely on the applicant. An exception, as opposed to a variance, is not a request for relief from the strict application of the Zoning Code, but rather a request to modify a design principle or standard based on the specific conditions, circumstances or design context of a development proposal.

(b) Exception Application Process. The applicant shall submit a letter to the Town Clerk requesting an exception and providing justification thereof. The Town shall review the exemption application concurrently with a preliminary or final plat or PUD application. The Planning Commission shall review and make a recommendation of approval, approval with conditions or denial of an exception request at a regular meeting of the Planning Commission and forward such recommendation to the Board of Trustees as part of its review of the preliminary or final plat and/or preliminary or final PUD. Final action on the exception request shall be made by the Board of Trustees.

(c) Exception Review Criteria. The Planning Commission and Board of Trustees shall use the following criteria to evaluate the applicant's exemption application:

(1) Special circumstances or conditions exist that limit the ability of the property to meet the community design principles and development standards set forth in Article II of this Chapter. Special circumstances or conditions include narrowness, unusual shape, exceptional topographic conditions or other extraordinary situations. Financial difficulties, loss of prospective profits and previously approved exceptions in other subdivisions shall not be considered as special circumstances or conditions.

(2) An alternative design exists that will meet the intent of the standards and requirements set forth in Article II and this Article, by providing for the orderly subdivision of land and providing public facilities. The exception shall:

a. Provide for the orderly subdivision of land. The Town may require the development to be processed as a planned unit development or as a Mixed Use or Commercial Zone District site plan, if the complexity and interrelated design of the development more appropriately meet the intent of the PUD or mixed use zoning district processes. The PUD/mixed use process shall provide flexibility to review the exception as part of a creative and imaginative development design tailored to each unique site and the surrounding area;

b. Provide public facilities that will benefit the public without detriment to surrounding property owners or the Town's ability to provide services and maintain public facilities; and

c. Provide amenity to the development through design that could not be provided through the adopted standards.

(3) If granted, the exception will not be detrimental to the public interest or other property nor be in conflict with the Comprehensive Plan or other applicable provisions of this Municipal Code unless corresponding exceptions or variances are approved.

(4) The exception will not endanger public safety.

(d) Standards Not Open to Modification. The following community design principles and development standards specified in Article II of this Chapter are considered absolute minimum standards and are not open to modification through an exception process:

(1) Road standard (cross-section) for local street with sidewalk (Option "A");

(2) Requirement of one (1) street tree of two-inch caliper for each forty (40) feet of frontage on both sides of the street (except for rural roads and alleys);

(3) Dedication of the full width of right-of-way for all platted streets; and

(4) Provision of handicap parking spaces.

(e) Restrictions on Requesting Exceptions. If an applicant requests an exception under this Section, the preliminary plat or preliminary PUD development plan shall whenever possible indicate the exceptions outlined in the application. Exception requests can be processed concurrently with PUD applications. (Ord. 480 §4.15, 2003)

Sec. 16-4-540. Vacation of right-of-way or easement.

(a) Vacation of Right-of-Way/Easement Purpose. The vacation of right-of-way or easement application process is used to vacate unnecessary easements and rights-of-way. The vacation of right-of-way or easement shall be in accordance with Section 43-2-301 et seq., C.R.S.

(b) Vacation of Right-of-Way/Easement Application Process.

(1) Step 1: Preapplication Conference. A preapplication conference with a representative from the Town is required before the applicant may submit a vacation of right-of-way/easement application. Topics to be discussed will include:

- a. Town regulations and standards.
- b. The application and review process.
- c. Submittal requirements.
- d. Schedule.

(2) Step 2: Vacation of Right-of-Way/Easement Application Submittal. The applicant shall submit one (1) complete copy of the vacation of right-of-way/easement application package to the Town Clerk and shall request that the application be reviewed by the Board of Trustees. The application must be submitted a minimum of sixty (60) days prior to the Board of Trustees meeting at which the application will be reviewed. The vacation of right-of-way/easement application shall include:

- a. Land Use Application Form.
- b. Vacation – Technical Criteria Form (from Workbook).
- c. Application Fee and Fee Agreement. A nonrefundable fee is collected to cover the cost of review by the Town Attorney, Town Engineer, Town Planner and any other expert whom the Town may wish to employ; and recording fees. Actual costs may exceed the deposit; in this case, the applicant is liable for costs in excess of the deposit. The Town shall provide the applicant with a copy of the most current fee schedule and fee agreement form.
- d. Petition for Vacation of Right-of-Way/Easement. A blank petition for vacation of right-of-way and a blank petition for vacation of easement are in the Workbook.

e. Title Commitment. The title commitment must be current and dated no more than thirty (30) days from the date of vacation of right-of-way/easement submittal.

f. Surrounding and Interested Property Ownership Report. For vacation of right-of-way applications (NOT vacation of easement applications), provide the Town Clerk with two (2) copies of a current (not more than thirty [30] days old) list of the names and addresses of the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record and oil and gas lessees for the property. The applicant shall certify that the report is complete and accurate.

g. Vacation of Right-of-Way/Easement Map. The vacation of right-of-way/easement map shall be a minimum of eight and one-half (8½) inches by eleven (11) inches and provide the following information:

1. Title of map.
2. North arrow, scale (whatever is appropriate) and date of preparation.
3. Vicinity map.
4. Legal description of right-of-way/easement to be vacated.
5. Graphic representation of property to be vacated.
6. Acreage of property to be vacated.
7. Names and boundaries of adjacent subdivisions and streets.
8. Lot and block numbers of adjacent lots and blocks.
9. Existing and proposed rights-of-way in and adjacent to the subject property.
10. Existing and proposed easements in and adjacent to the subject property.
11. Existing and proposed utility lines and/or facilities in and adjacent to the subject property.
12. All waterways and ditches in and adjacent to the subject property.
13. Type and location of existing structures and paved areas on the subject property.

h. Vacation of Right-of-Way/Easement Review Criteria Statement. Provide a written description of how the vacation request addresses the four (4) vacation of right-of-way/easement review criteria.

i. **Public Notification Envelopes.** If the application is for the vacation of right-of-way, provide the Town Clerk with two (2) sets of stamped, addressed envelopes. The envelopes shall have the Town's address as the mailing address and return address and the envelopes shall be addressed to the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, oil and gas lessees for the property, and the appropriate referral agencies.

(3) **Step 3: Certification of Completion.** Within a reasonable period of time, Staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the Vacation of Right-of-Way or Easement Technical Criteria form) to the Town Clerk. The original application and all documents requiring a signature shall be signed in blue ink.

(4) **Step 4: Letters of Support from Utility Providers and Other Affected Agencies.** Within thirty (30) days from the date the application is deemed complete, the applicant shall provide to the Town letters from all utility providers or other agencies affected by the vacation, expressing their support of the vacation request (refer to the Letters of Support and Commitment to Serve table in the Workbook).

(5) **Step 5: Staff Reviews Application and Prepares Comments.** Staff will complete a review of the vacation of right-of-way/easement based on the vacation of right-of-way/easement review criteria. Staff will then prepare a report identifying any issues of concern that the applicant will need to address and forwards it to the applicant.

(6) **Step 6: Applicant Addresses Staff Comments.** The applicant shall address Town Staff's comments then submit the following to the Town Clerk:

- a. Letter explaining how all of the comments have been addressed; and
- b. Revised maps and other documents.

(7) **Step 7: Final Staff Review and Report to Board of Trustees.** Staff shall complete a final review of the resubmitted materials and prepare a report to the Board of Trustees explaining how the application is or is not consistent with the vacation of right-of-way/easement review criteria.

(8) **Step 8: Public Notification of Vacation of Right-of-Way Public Hearing.** Forty-five (45) days after the final Staff review and report, the Board of Trustees shall schedule a public hearing for the purpose of taking action on an ordinance approving the vacation of right-of-way. (Note: Notice of public hearing is not required for an easement vacation. The Board of Trustees shall review an easement vacation request at its next available meeting after completion of the Staff review and report in Step 7 above.) The Town Clerk shall send notice of the public hearing to the applicant, all property owners of record within three hundred (300) feet of the property in question,

all mineral interest owners of record and the appropriate referral agencies no less than thirty (30) days before the hearing. The Town Clerk shall also publish notice in a newspaper of general circulation. The hearing may be held no less than thirty (30) days from the date of advertising. The Town Clerk will also prepare a public hearing notification sign to be posted on the property by the applicant no less than thirty (30) days before the hearing.

(9) Step 9: Board of Trustees Action. Following a public hearing, the Board of Trustees may approve, conditionally approve or deny the vacation of right-of-way ordinance based on the vacation of right-of-way/easement review criteria. In the case of a vacation of easement where no public hearing is required, the Board of Trustees may approve, conditionally approve or deny the vacation of easement ordinance based on the vacation of right-of-way/easement review criteria. All approved ordinances must be recorded with the County Clerk and Recorder. If the ordinance is conditionally approved, all conditions of approval must be satisfied by the applicant and certified by the Town Clerk within a time specified by the Board of Trustees before the ordinance can be recorded.

(c) Vacation of Right-of-Way/Easement Review Criteria.

(1) The right-of-way or easement being vacated is not needed in the short or long term.

(2) If necessary, the right-of-way or easement will be replaced. To replace the right-of-way or easement, the vacation application shall be accompanied by a development application that proposes a new right-of-way or easement.

(3) The applicant is relocating all public facilities or utilities within the right-of-way or easement.

(4) The public and surrounding properties will not be negatively impacted by the vacation. (Ord. 480 §4.16, 2003)

Sec. 16-4-550. Subdivision improvements and development agreements.

(a) A subdivision improvement agreement stating the developer agrees to construct any required public improvements shown in the final plat documents, together with collateral which is sufficient, in the judgment of the Board of Trustees, to make reasonable provision for the completion of said improvements in accordance with design and time specifications, will be required. No subdivision plat shall be signed by the Town or recorded at the office of the County Clerk and Recorder, and no building permit shall be issued for development until a subdivision improvement agreement between the Town and the developer has been executed. Such agreement shall include a list of all agreed-upon improvements, an estimate of the cost of such improvements, the form of guarantee for the improvements and any other provisions or conditions deemed necessary by the Board of Trustees to ensure that all improvements will be completed in a timely, quality and cost-effective manner. A subdivision improvement agreement shall run with and be a burden upon the land described in the agreement.

(b) Other agreements or contracts setting forth the plan, method and parties responsible for the construction of any required public improvements shown in the final plat documents may also be required.

(c) As improvements are completed, the subdivider shall apply to the Board of Trustees for inspection of improvements. Upon inspection and approval, the Board of Trustees shall notify the subdivider that there is a two-year guarantee period before release of funds. If the Board of Trustees or respective special district determines that any of the required improvements are not constructed in compliance with specifications, it shall furnish the subdivider with a list of specific deficiencies and shall be entitled to withhold collateral sufficient to ensure such compliance. If the Board of Trustees determines that the subdivider will not construct any or all of the improvements or remedy the deficiencies in accordance with all the specifications, the Board of Trustees may withdraw and employ from the deposit of collateral such funds as may be necessary to construct the improvements or remedy deficiencies in accordance with the specifications.

(d) The following improvements shall be constructed unless waived by the Board of Trustees.

- (1) Road grading and surfacing.
- (2) Curbs.
- (3) Street lights.
- (4) Sidewalks.
- (5) Sanitary sewer collection system.
- (6) Storm sewers or storm drainage system, as required.
- (7) Potable water distribution, including fire hydrants.
- (8) Utility distribution system for public parks and open space.
- (9) Street signs at all street intersections.
- (10) Permanent reference monuments and monument boxes.
- (11) Underground telephone, electricity and gas lines.
- (12) Berm or fence along major arterial and collector streets.
- (13) Required landscaping.
- (14) Street trees.
- (15) Underdrains.

(16) Required floodway improvements.

(17) Required irrigation ditch improvements.

(e) Time for Completion. The required time for the completion of all required improvements shall be two (2) years from the recording date of the final map or plat. However, the Board of Trustees may extend such time for completion upon request from the subdivider. Upon completion of such improvements within the required time and approval thereof by the Board of Trustees, the Town shall cause the cash or letter of credit to be released within thirty (30) days of the Town's acceptance of such improvements and receipt of the required as-built drawings. When such improvements are not completed within the required time, the Town may cause the proceeds of the cash or letter of credit to be used to complete the required improvements.

(f) Warranty. All workmanship and materials for all required improvements shall be warranted by the subdivider for a period of two (2) years from the date of the Town's acceptance of the required improvement; provided that any defects which are the result of public abuse, misuse or acts of God are not the responsibility of said subdivider. For perimeter fences that abut collector and arterial streets, the warranty period shall be two (2) years. The total amount of the guarantee shall be calculated as ten percent (10%) of the total estimated cost, including labor and materials, of all public improvements to be constructed. The Town shall not release the improvement guarantee until the Town has granted final acceptance of the improvements. In the event that any other provision of this Code or specifications adopted pursuant thereto requires a warranty of workmanship or materials for a different period of time, that provision requiring the longer period shall govern. The inspection or acceptance of any required improvement by the Town shall not relieve the subdivider of his or her warranty of workmanship and materials. (Ord. 480 §4.17, 2003)